

**Calendar No. 102**

109TH CONGRESS  
1ST SESSION

**S. 1042**

**[Report No. 109–69]**

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 17, 2005

Mr. WARNER, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “National Defense Au-  
3 thorization Act for Fiscal Year 2006”.

4 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
5 **CONTENTS.**

6       (a) DIVISIONS.—This Act is organized into three divi-  
7 sions as follows:

8           (1) Division A—Department of Defense Au-  
9 thorizations.

10          (2) Division B—Military Construction Author-  
11 izations.

12          (3) Division C—Department of Energy Na-  
13 tional Security Authorizations and Other Authoriza-  
14 tions.

15       (b) TABLE OF CONTENTS.—The table of contents for  
16 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

**DIVISION A—DEPARTMENT OF DEFENSE**  
**AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

**Subtitle B—Army Programs**

Sec. 111. Multiyear procurement authority for AH-64D Apache attack heli-  
copter block II conversions.

- Sec. 112. Multiyear procurement authority for modernized target acquisition designation/pilot night vision sensors for AH-64D Apache attack helicopters.
- Sec. 113. Multiyear procurement authority for utility helicopters.

### **Subtitle C—Navy Programs**

- Sec. 121. Prohibition on acquisition of next generation destroyer (DD(X)) through a single naval shipyard.
- Sec. 122. Split funding authorization for CVN-78 aircraft carrier.
- Sec. 123. LHA replacement (LHA(R)) ship.
- Sec. 124. Refueling and complex overhaul of the U.S.S. Carl Vinson.

### **Subtitle D—Air Force Programs**

- Sec. 131. Multiyear procurement authority for C-17 aircraft.
- Sec. 132. Prohibition on retirement of KC-135E aircraft.
- Sec. 133. Use of Tanker Replacement Transfer Fund for modernization of aerial refueling tankers.
- Sec. 134. Prohibition on retirement of F-117 aircraft.
- Sec. 135. Prohibition on retirement of C-130E/H tactical airlift aircraft.
- Sec. 136. Procurement of C-130J/KC-130J aircraft after fiscal year 2005.
- Sec. 137. Aircraft for performance of aeromedical evacuations.

### **Subtitle E—Defense-Wide Programs**

- Sec. 151. Advanced SEAL Delivery System.

## **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

### **Subtitle A—Authorization of Appropriations**

- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for science and technology.

### **Subtitle B—Program Requirements, Restrictions, and Limitations**

- Sec. 211. Contract for the procurement of the Future Combat System (FCS).
- Sec. 212. Joint field experiment on stability and support operations.

### **Subtitle C—Missile Defense Programs**

- Sec. 221. One-year extension of Comptroller General assessments of ballistic missile defense programs.
- Sec. 222. Fielding of ballistic missile defense capabilities.
- Sec. 223. Plans for test and evaluation of operational capability of the Ballistic Missile Defense System.

### **Subtitle D—High-Performance Defense Manufacturing Technology Research and Development**

- Sec. 231. Research and development.
- Sec. 232. Transition of transformational manufacturing processes and technologies to the defense manufacturing base.
- Sec. 233. Manufacturing technology strategies.
- Sec. 234. Report.
- Sec. 235. Definitions.

### **Subtitle E—Other Matters**

- Sec. 241. Expansion of eligibility for leadership of Department of Defense Test Resource Management Center.
- Sec. 242. Technology transition.
- Sec. 243. Prevention, mitigation, and treatment of blast injuries.

## **TITLE III—OPERATION AND MAINTENANCE**

### **Subtitle A—Authorization of Appropriations**

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Other Department of Defense programs.

### **Subtitle B—Environmental Provisions**

- Sec. 311. Elimination and simplification of certain items required in the annual report on environmental quality programs and other environmental activities.
- Sec. 312. Payment of certain private cleanup costs in connection with the Defense Environmental Restoration Program.

### **Subtitle C—Other Matters**

- Sec. 321. Aircraft carriers.
- Sec. 322. Limitation on transition of funding for East Coast shipyards from funding through Navy Working Capital Fund to direct funding.
- Sec. 323. Use of funds from National Defense Sealift Fund to exercise purchase options on maritime prepositioning ship vessels.
- Sec. 324. Purchase and destruction of weapons overseas.
- Sec. 325. Increase in maximum contract amount for procurement of supplies and services from exchange stores outside the United States.
- Sec. 326. Extension of authority to provide logistics support and services for weapon systems contractors.
- Sec. 327. Army training strategy.
- Sec. 328. Limitation on financial management improvement and audit initiatives within the Department of Defense.
- Sec. 329. Study on use of ethanol fuel.

## **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

### **Subtitle A—Active Forces**

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision of permanent active duty end strength minimum levels.

### **Subtitle B—Reserve Forces**

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2006 limitations on non-dual status technicians.

### **Subtitle C—Authorizations of Appropriations**

- Sec. 421. Authorization of appropriations for military personnel.
- Sec. 422. Armed Forces Retirement Home.

## **TITLE V—MILITARY PERSONNEL POLICY**

### **Subtitle A—Officer Personnel Policy**

- Sec. 501. Exclusion of general and flag officers on leave pending separation or retirement from computation of active duty officers for general and flag officer distribution and strength limitations.
- Sec. 502. Expansion of joint duty assignments for reserve component general and flag officers.
- Sec. 503. Deadline for receipt by promotion selection boards of correspondence from eligible officers.
- Sec. 504. Furnishing to promotion selection boards of adverse information on officers eligible for promotion to certain senior grades.
- Sec. 505. Grades of the Judge Advocates General.
- Sec. 506. Temporary extension of authority to reduce minimum length of commissioned service for voluntary retirement as an officer.
- Sec. 507. Modification of strength in grade limitations applicable to reserve flag officers in active status.
- Sec. 508. Uniform authority for deferment of separation of reserve general and flag officers for age.

### **Subtitle B—Enlisted Personnel Policy**

- Sec. 521. Uniform citizenship or residency requirements for enlistment in the Armed Forces.

### **Subtitle C—Reserve Component Personnel Matters**

- Sec. 531. Requirements for physical examinations and medical and dental readiness for members of the Selected Reserve not on active duty.
- Sec. 532. Repeal of limitation on amount of financial assistance under Reserve Officers' Training Corps scholarship program.
- Sec. 533. Procedures for suspending financial assistance and subsistence allowance for senior ROTC cadets and midshipmen on the basis of health-related conditions.
- Sec. 534. Increase in maximum number of Army Reserve and Army National Guard cadets under Reserve Officers' Training Corps.
- Sec. 535. Modification of educational assistance for Reserves supporting contingency and other operations.
- Sec. 536. Repeal of limitation on authority to redesignate the Naval Reserve as the Navy Reserve.
- Sec. 537. Performance by reserve component personnel of operational test and evaluation and training relating to new equipment.

### **Subtitle D—Military Justice and Related Matters**

- Sec. 551. Modification of periods of prosecution by courts-martial for murder, rape, and child abuse.
- Sec. 552. Establishment of offense of stalking.
- Sec. 553. Clarification of authority of military legal assistance counsel.
- Sec. 554. Administrative censures of members of the Armed Forces.
- Sec. 555. Reports by officers and senior enlisted personnel of matters relating to violations or alleged violations of criminal law.

### **Subtitle E—Military Service Academies**

- Sec. 561. Authority to retain permanent military professors at the Naval Academy after more than 30 years of service.

#### **Subtitle F—Administrative Matters**

- Sec. 571. Clarification of leave accrual for members assigned to a deployable ship or mobile unit or other duty.
- Sec. 572. Limitation on conversion of military medical and dental billets to civilian positions.

#### **Subtitle G—Defense Dependents Education Matters**

- Sec. 581. Expansion of authorized enrollment in Department of Defense dependents schools overseas.
- Sec. 582. Assistance to local educational agencies with significant enrollment increases in military dependent students due to troop relocations, creation of new units, and realignments under BRAC.
- Sec. 583. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 584. Impact aid for children with severe disabilities.

#### **Subtitle H—Other Matters**

- Sec. 591. Policy and procedures on casualty assistance to survivors of military decedents.
- Sec. 592. Modification and enhancement of mission and authorities of the Naval Postgraduate School.
- Sec. 593. Expansion and enhancement of authority to present recognition items for recruitment and retention purposes.
- Sec. 594. Requirement for regulations on policies and procedures on personal commercial solicitations on Department of Defense installations.
- Sec. 595. Federal assistance for State programs under the National Guard Youth Challenge Program.

### **TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

#### **Subtitle A—Pay and Allowances**

- Sec. 601. Eligibility for additional pay of permanent military professors at the United States Naval Academy with over 36 years of service.
- Sec. 602. Enhanced authority for agency contributions for members of the Armed Forces participating in the Thrift Savings Plan.
- Sec. 603. Permanent authority for supplemental subsistence allowance for low-income members with dependents.
- Sec. 604. Modification of pay considered as saved pay upon appointment of an enlisted member as an officer.

#### **Subtitle B—Bonuses and Special and Incentive Pays**

- Sec. 611. One-year extension of certain bonus and special pay authorities for Reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

- Sec. 614. One-year extension of other bonus and special pay authorities.
- Sec. 615. Payment and repayment of assignment incentive pay.
- Sec. 616. Increase in amount of selective reenlistment bonus for certain senior supervisory nuclear qualified enlisted personnel.
- Sec. 617. Consolidation and modification of bonuses for affiliation or enlistment in the Selected Reserve.
- Sec. 618. Expansion and enhancement of special pay for enlisted members of the Selected Reserve assigned to certain high priority units.
- Sec. 619. Retention incentive bonus for members of the Selected Reserve qualified in a critical military skill or specialty.
- Sec. 620. Termination of limitation on duration of payment of imminent danger special pay during hospitalization.
- Sec. 621. Authority for retroactive payment of imminent danger special pay.
- Sec. 622. Authority to pay foreign language proficiency pay to members on active duty as a bonus.
- Sec. 623. Incentive bonus for transfer between the Armed Forces.

### **Subtitle C—Travel and Transportation Allowances**

- Sec. 631. Transportation of family members in connection with the repatriation of servicemembers or civilian employees held captive.

### **Subtitle D—Retired Pay and Survivor Benefits**

- Sec. 641. Enhancement of death gratuity and life insurance benefits for deaths from combat-related causes or causes incurred in combat operations or areas.

### **Subtitle E—Other Matters**

- Sec. 651. Payment of expenses of members of the Armed Forces to obtain professional credentials.
- Sec. 652. Pilot program on contributions to Thrift Savings Plan for initial enlistees in the Armed Forces.

## **TITLE VII—HEALTH CARE**

### **Subtitle A—Benefits Matters**

- Sec. 701. Clarification of eligibility of reserve officers for health care pending active duty following issuance of orders to active duty.
- Sec. 702. Limitation on deductible and copayment requirements for nursing home residents under the pharmacy benefits program.
- Sec. 703. Eligibility of surviving active duty spouses of deceased members for enrollment as dependents in a TRICARE dental plan.
- Sec. 704. Increased period of continued TRICARE Prime coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days.

### **Subtitle B—Planning, Programming, and Management**

- Sec. 711. TRICARE Standard coordinators in TRICARE regional offices.
- Sec. 712. Report on delivery of health care benefits through military health care system.
- Sec. 713. Comptroller General report on differential payments to children's hospitals for health care for children dependents under TRICARE.

- Sec. 714. Repeal of requirement for Comptroller General reviews of certain Department of Defense-Department of Veterans Affairs projects on sharing of health care resources.
- Sec. 715. Surveys on TRICARE Standard.
- Sec. 716. Modification of health care quality information and technology enhancement report requirements.
- Sec. 717. Modification of authorities relating to patient care reporting and management system.

### **Subtitle C—Other Matters**

- Sec. 731. Report on adverse health events associated with use of anti-malarial drugs.
- Sec. 732. Pilot projects on early diagnosis and treatment of post traumatic stress disorder and other mental health conditions.

## **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

### **Subtitle A—Acquisition Policy and Management**

- Sec. 801. Internal controls for procurements on behalf of the Department of Defense.
- Sec. 802. Contract Support Acquisition Centers.
- Sec. 803. Authority to enter into acquisition and cross-servicing agreements with regional organizations of which the United States is not a member.
- Sec. 804. Requirement for authorization for procurement of major weapon systems as commercial items.
- Sec. 805. Report on service surcharges for purchases made for military departments through other Department of Defense agencies.
- Sec. 806. Review of defense acquisition structures.

### **Subtitle B—Defense Industrial Base Matters**

- Sec. 811. Clarification of exception from Buy American requirements for procurement of perishable food for establishments outside the United States.
- Sec. 812. Conditional waiver of domestic source or content requirements for certain countries with reciprocal defense procurement agreements with the United States.
- Sec. 813. Consistency with United States obligations under trade agreements.
- Sec. 814. Identification of areas of research and development effort for purposes of Small Business Innovation Research program.

### **Subtitle C—Defense Contractor Matters**

- Sec. 821. Requirements for defense contractors relating to certain former Department of Defense officials.
- Sec. 822. Review of certain contractor ethics matters.
- Sec. 823. Contract fraud risk assessment.

### **Subtitle D—Defense Acquisition Workforce Matters**

- Sec. 831. Availability of funds in Acquisition Workforce Training Fund for defense acquisition workforce improvements.
- Sec. 832. Limitation and reinvestment authority relating to reduction of the defense acquisition and support workforce.



Sec. 833. Technical amendments relating to defense acquisition workforce improvements.

#### **Subtitle E—Other Matters**

- Sec. 841. Extension of contract goal for small disadvantaged business and certain institutions of higher education.
- Sec. 842. Codification and modification of limitation on modification of military equipment within five years of retirement or disposal.
- Sec. 843. Clarification of rapid acquisition authority to respond to combat emergencies.
- Sec. 844. Modification of authority to carry out certain prototype projects.
- Sec. 845. Extension of certain authorities on contracting with employers of persons with disabilities.

### **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

#### **Subtitle A—Duties and Functions of Department of Defense Officers and Organizations**

- Sec. 901. Directors of Small Business Programs.
- Sec. 902. Executive agent for acquisition of capabilities to defend the homeland against cruise missiles and other low-altitude aircraft.

#### **Subtitle B—Space Activities**

- Sec. 911. Advisory committee on Department of Defense requirements for space control.

#### **Subtitle C—Other Matters**

- Sec. 921. Acceptance of gifts and donations for Department of Defense regional centers for security studies.
- Sec. 922. Operational files of the Defense Intelligence Agency.
- Sec. 923. Prohibition on implementation of certain orders and guidance on functions and duties of the General Counsel and the Judge Advocate General of the Air Force.

### **TITLE X—GENERAL PROVISIONS**

#### **Subtitle A—Financial Matters**

- Sec. 1001. Transfer authority.
- Sec. 1002. Incorporation of Classified Annex.
- Sec. 1003. United States contribution to NATO common-funded budgets in fiscal year 2006.
- Sec. 1004. Reduction in certain authorizations due to savings relating to lower inflation.
- Sec. 1005. Authorization of supplemental appropriations for fiscal year 2005.
- Sec. 1006. Increase in fiscal year 2005 transfer authority.
- Sec. 1007. Monthly disbursement to States of State income tax voluntarily withheld from retired or retainer pay.
- Sec. 1008. Reestablishment of limitation on payment of facilities charges assessed by Department of State.

#### **Subtitle B—Naval Vessels and Shipyards**

- Sec. 1021. Transfer of battleship.
- Sec. 1022. Conveyance of Navy drydock, Jacksonville, Florida.

### **Subtitle C—Counterdrug Matters**

- Sec. 1031. Use of unmanned aerial vehicles for United States border reconnaissance.
- Sec. 1032. Use of counterdrug funds for certain counterterrorism operations.
- Sec. 1033. Support for counter-drug activities through bases of operation and training facilities in Afghanistan.

### **Subtitle D—Reports and Studies**

- Sec. 1041. Modification of frequency of submittal of Joint Warfighting Science and Technology Plan.
- Sec. 1042. Review and assessment of Defense Base Act insurance.
- Sec. 1043. Comptroller General report on corrosion prevention and mitigation programs of the Department of Defense.

### **Subtitle E—Technical Amendments**

- Sec. 1051. Technical amendments relating to certain provisions of environmental defense laws.

### **Subtitle F—Military Mail Matters**

- Sec. 1061. Safe delivery of mail in the military mail system.
- Sec. 1062. Delivery of mail addressed to any service member.

### **Subtitle G—Other Matters**

- Sec. 1071. Policy on role of military medical and behavioral science personnel in interrogation of detainees.
- Sec. 1072. Clarification of authority to issue security regulations and orders under Internal Security Act of 1950.

## **TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY**

- Sec. 1101. Extension of authority for voluntary separations in reductions in force.
- Sec. 1102. Compensatory time off for nonappropriated fund employees of the Department of Defense.
- Sec. 1103. Extension of authority to pay severance payments in lump sums.
- Sec. 1104. Continuation of Federal Employee Health Benefits Program eligibility.
- Sec. 1105. Permanent and enhanced authority for Science, Mathematics, and Research for Transformation (SMART) defense education program.

## **TITLE XII—MATTERS RELATING TO OTHER NATIONS**

- Sec. 1201. Commanders' Emergency Response Program.
- Sec. 1202. Enhancement and expansion of authority to provide humanitarian and civic assistance.
- Sec. 1203. Modification of geographic limitation on payment of personnel expenses under bilateral or regional cooperation programs.
- Sec. 1204. Payment of travel expenses of coalition liaison officers.

**TITLE XIII—COOPERATIVE THREAT REDUCTION WITH  
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- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
- Sec. 1302. Funding allocations.
- Sec. 1303. Permanent waiver of restrictions on use of funds for threat reduction in states of the former Soviet Union.
- Sec. 1304. Modification of authority to use Cooperative Threat Reduction funds outside the former Soviet Union.
- Sec. 1305. Repeal of requirement for annual Comptroller General assessment of annual Department of Defense report on activities and assistance under Cooperative Threat Reduction programs.

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- Sec. 1401. Purpose.
- Sec. 1402. Designation as emergency amounts.
- Sec. 1403. Army procurement.
- Sec. 1404. Navy and Marine Corps procurement.
- Sec. 1405. Air Force procurement.
- Sec. 1406. Operation and maintenance.
- Sec. 1407. Defense Health Program.
- Sec. 1408. Military personnel.
- Sec. 1409. Iraq Freedom Fund.
- Sec. 1410. Transfer authority.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

- Sec. 2001. Short title.

**TITLE XXI—ARMY**

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.

**TITLE XXII—NAVY**

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification of authority to carry out certain fiscal year 2005 projects.
- Sec. 2206. Modification of authority to carry out certain fiscal year 2004 project.

**TITLE XXIII—AIR FORCE**

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.

**TITLE XXIV—DEFENSE AGENCIES**

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.

## **TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

## **TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

## **TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 2003 projects.
- Sec. 2703. Extension of authorizations of certain fiscal year 2002 projects.
- Sec. 2704. Effective date.

## **TITLE XXVIII—GENERAL PROVISIONS**

### **Subtitle A—Military Construction Program and Military Family Housing Changes**

- Sec. 2801. Increase in thresholds for unspecified minor military construction projects.
- Sec. 2802. Modification of cost variation authority.
- Sec. 2803. Department of Defense housing funds.
- Sec. 2804. Temporary authority to use minor military construction authority for construction of child development centers.
- Sec. 2805. Inapplicability to child development centers of restriction on authority to acquire or construct ancillary supporting facilities.
- Sec. 2806. Authority to carry out exchanges of facilities including associated utilities, equipment, and furnishings.
- Sec. 2807. Increase in number of family housing units in Korea authorized for lease by the Army at maximum amount.

### **Subtitle B—Real Property and Facilities Administration**

- Sec. 2821. Authority to lease non-excess property of Department of Defense field activities.
- Sec. 2822. Modified criteria for agreements to limit encroachments and other constraints on military training, testing, and operations.

### **Subtitle C—Land Conveyances**

#### **PART I—ARMY CONVEYANCES**

- Sec. 2841. Land conveyance, Helena, Montana.
- Sec. 2842. Land conveyance, Army Reserve Center, Bothell, Washington.

#### **PART II—AIR FORCE CONVEYANCES**

Sec. 2861. Acquisition of build-to-lease family housing at Eielson Air Force Base, Alaska.

#### **Subtitle D—Other Matters**

Sec. 2881. Reorganization and technical improvement of codified laws applicable to real property of the Department of Defense.

Sec. 2882. Report on application of force protection and anti-terrorism standards to leased facilities.

Sec. 2883. Construction at Fort Buchanan, Puerto Rico, for reserve components.

Sec. 2884. Authority to use Papago Park Military Reservation, Arizona, for general military purposes.

Sec. 2885. One-year extension of Department of Defense laboratory revitalization program.

Sec. 2886. Sense of Congress on establishment of Bakers Creek Memorial.

### **DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

#### **TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

##### **Subtitle A—National Security Programs Authorizations**

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental management.

Sec. 3103. Other defense activities.

Sec. 3104. Defense nuclear waste disposal.

##### **Subtitle B—Other Matters**

Sec. 3111. Report on compliance with design basis threat.

Sec. 3112. Cost estimate for waste treatment and immobilization plant project, Hanford site, Richland, Washington.

Sec. 3113. Report on international border security programs.

#### **TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

Sec. 3201. Authorization.

#### **TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

Sec. 3301. Revisions to required receipt objectives for previously authorized disposals from National Defense Stockpile.

### **1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2 For purposes of this Act, the term “congressional de-

3 fense committees” has the meaning given that term in sec-

4 tion 101(a)(16) of title 10, United States Code.

1 **DIVISION A—DEPARTMENT OF**  
2 **DEFENSE AUTHORIZATIONS**  
3 **TITLE I—PROCUREMENT**  
4 **Subtitle A—Authorization of**  
5 **Appropriations**

6 **SEC. 101. ARMY.**

7 Funds are hereby authorized to be appropriated for  
8 fiscal year 2006 for procurement for the Army as follows:

9 (1) For aircraft, \$2,800,880,000.

10 (2) For missiles, \$1,265,850,000.

11 (3) For weapons and tracked combat vehicles,  
12 \$1,692,549,000.

13 (4) For ammunition, \$1,831,672,000.

14 (5) For other procurement, \$4,339,434,000.

15 **SEC. 102. NAVY AND MARINE CORPS.**

16 (a) NAVY.—Funds are hereby authorized to be appro-  
17 priated for fiscal year 2006 for procurement for the Navy  
18 as follows:

19 (1) For aircraft, \$9,946,926,000.

20 (2) For weapons, including missiles and tor-  
21 pedoes, \$2,749,441,000.

22 (3) For shipbuilding and conversion,  
23 \$9,057,865,000.

24 (4) For other procurement, \$5,596,218,000.

1 (b) MARINE CORPS.—Funds are hereby authorized to  
 2 be appropriated for fiscal year 2006 for procurement for  
 3 the Marine Corps in the amount of \$1,386,705,000.

4 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
 5 are hereby authorized to be appropriated for fiscal year  
 6 2006 for procurement of ammunition for the Navy and  
 7 the Marine Corps in the amount of \$892,849,000.

8 **SEC. 103. AIR FORCE.**

9 Funds are hereby authorized to be appropriated for  
 10 fiscal year 2006 for procurement for the Air Force as fol-  
 11 lows:

12 (1) For aircraft, \$13,212,633,000.

13 (2) For missiles, \$5,500,287,000.

14 (3) For ammunition, \$1,031,207,000.

15 (4) For other procurement, \$14,027,889,000.

16 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

17 Funds are hereby authorized to be appropriated for  
 18 fiscal year 2006 for Defense-wide procurement in the  
 19 amount of \$2,784,832,000.

20 **Subtitle B—Army Programs**

21 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-**

22 **64D APACHE ATTACK HELICOPTER BLOCK II**  
 23 **CONVERSIONS.**

24 Beginning with the fiscal year 2006 program year,  
 25 the Secretary of the Army may, in accordance with section

1 2306b of title 10, United States Code, enter into one or  
 2 more multiyear contracts for procurement of AH-64D  
 3 Apache attack helicopter block II conversions.

4 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
 5 **MODERNIZED TARGET ACQUISITION DES-**  
 6 **IGNATION/PILOT NIGHT VISION SENSORS**  
 7 **FOR AH-64D APACHE ATTACK HELICOPTERS.**

8 Beginning with the fiscal year 2006 program year,  
 9 the Secretary of the Army may, in accordance with section  
 10 2306b of title 10, United States Code, enter into one or  
 11 more multiyear contracts for procurement of modernized  
 12 target acquisition designation/pilot night vision sensors for  
 13 AH-64D Apache attack helicopters.

14 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
 15 **UTILITY HELICOPTERS.**

16 (a) UH-60M BLACK HAWK HELICOPTERS.—Begin-  
 17 ning with the fiscal year 2006 program year, the Secretary  
 18 of the Army may, in accordance with section 2306b of title  
 19 10, United States Code, enter into one or more multiyear  
 20 contracts for the procurement of UH-60M Black Hawk  
 21 helicopters.

22 (b) MH-60S SEAHAWK HELICOPTERS.—Beginning  
 23 with the fiscal year 2007 program year, the Secretary of  
 24 the Army, acting as executive agent for the Department  
 25 of the Navy, may, in accordance with section 2306b of



1 title 10, United States Code, enter into one or more  
 2 multiyear contracts for the procurement of MH-60S  
 3 Seahawk helicopters.

## 4 **Subtitle C—Navy Programs**

### 5 **SEC. 121. PROHIBITION ON ACQUISITION OF NEXT GENERA-** 6 **TION DESTROYER (DD(X)) THROUGH A SIN-** 7 **GLE NAVAL SHIPYARD.**

8 (a) PROHIBITION.—Destroyers under the next gen-  
 9 eration destroyer (DD(X)) program may not be acquired  
 10 through a winner-take-all acquisition strategy.

11 (b) PROHIBITION ON USE OF FUNDS.—No funds au-  
 12 thorized to be appropriated by this Act, or any other Act,  
 13 may be obligated or expended to prepare for, conduct, or  
 14 implement a strategy for the acquisition of destroyers  
 15 under the next generation destroyer program through a  
 16 winner-take-all acquisition strategy.

17 (c) WINNER-TAKE-ALL ACQUISITION STRATEGY DE-  
 18 FINED.—In this section, the term “winner-take-all acquisi-  
 19 tion strategy”, with respect to the acquisition of destroyers  
 20 under the next generation destroyer program, means the  
 21 acquisition (including design and construction) of such de-  
 22 stroyers through a single shipyard.

1 **SEC. 122. SPLIT FUNDING AUTHORIZATION FOR CVN-78**  
2 **AIRCRAFT CARRIER.**

3 (a) **AUTHORITY TO USE SPLIT FUNDING.**—The Sec-  
4 retary of the Navy is authorized to fund the detail design  
5 and construction of the aircraft carrier designated CVN-  
6 78 using split funding in the Shipbuilding and Conversion,  
7 Navy account in fiscal years 2007, 2008, 2009, and 2010.

8 (b) **CONDITION FOR OUT-YEAR CONTRACT PAY-**  
9 **MENTS.**—A contract entered into for the detail design and  
10 construction of the aircraft carrier designated CVN-78  
11 shall provide that any obligation of the United States to  
12 make a payment under the contract for a fiscal year after  
13 fiscal year 2006 is subject to the availability of appropria-  
14 tions for such fiscal year.

15 **SEC. 123. LHA REPLACEMENT (LHA(R)) SHIP.**

16 (a) **AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR**  
17 **FISCAL YEAR 2006.**—Of the amount authorized to be ap-  
18 propriated by section 102(a)(3) for fiscal year 2006 for  
19 shipbuilding and conversion, Navy, \$325,447,000 shall be  
20 available for design, advance procurement, and advance  
21 construction with respect to the LHA Replacement  
22 (LHA(R)) ship.

23 (b) **AMOUNTS AUTHORIZED FROM SCN ACCOUNT**  
24 **FOR FISCAL YEARS 2007 AND 2008.**—Amounts author-  
25 ized to be appropriated for fiscal years 2007 and 2008  
26 for shipbuilding and conversion, Navy, shall be available

1 for construction with respect to the LHA Replacement  
2 ship.

3 (c) CONTRACT AUTHORITY.—

4 (1) DESIGN, ADVANCE PROCUREMENT, AND AD-  
5 VANCE CONSTRUCTION.—The Secretary of the Navy  
6 may enter into a contract during fiscal year 2006  
7 for design, advance procurement, and advance con-  
8 struction with respect to the LHA Replacement ship.

9 (2) DETAIL DESIGN AND CONSTRUCTION.—The  
10 Secretary may enter into a contract during fiscal  
11 year 2007 for the detail design and construction of  
12 the LHA Replacement ship.

13 (d) CONDITION FOR OUT-YEAR CONTRACT PAY-  
14 MENTS.—A contract entered into under subsection (c)  
15 shall provide that any obligation of the United States to  
16 make a payment under the contract for a fiscal year after  
17 fiscal year 2006 is subject to the availability of appropria-  
18 tions for that purpose for such fiscal year.

19 **SEC. 124. REFUELING AND COMPLEX OVERHAUL OF THE**  
20 **U.S.S. CARL VINSON.**

21 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—  
22 Of the amount authorized to be appropriated by section  
23 102(a)(3) for fiscal year 2006 for shipbuilding and conver-  
24 sion, Navy, \$1,493,563,000 shall be available for the com-  
25 mencement of the nuclear refueling and complex overhaul

1 of the U.S.S. Carl Vinson (CVN–70). The amount avail-  
 2 able under the preceding sentence is the first increment  
 3 in the incremental funding planned for the nuclear refuel-  
 4 ing and complex overhaul of the U.S.S. Carl Vinson.

5 (b) CONTRACT AUTHORITY.—The Secretary of the  
 6 Navy may enter into a contract during fiscal year 2006  
 7 for the nuclear refueling and complex overhaul of the  
 8 U.S.S. Carl Vinson.

9 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-  
 10 MENTS.—A contract entered into under subsection (b)  
 11 shall provide that any obligation of the United States to  
 12 make a payment under the contract for a fiscal year after  
 13 fiscal year 2006 is subject to the availability of appropria-  
 14 tions for that purpose for such fiscal year.

## 15 **Subtitle D—Air Force Programs**

### 16 **SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR C–** 17 **17 AIRCRAFT.**

18 (a) MULTIYEAR PROCUREMENT AUTHORIZED.—Be-  
 19 ginning with the fiscal year 2006 program year, the Sec-  
 20 retary of the Air Force may exercise the option on the  
 21 existing multiyear procurement contract for C–17 aircraft  
 22 in order to enter into a multiyear contract for the procure-  
 23 ment of up to 42 additional C–17 aircraft. A contract en-  
 24 tered into under this subsection shall be entered into in

1 accordance with section 2306b of title 10, United States  
2 Code.

3 (b) REQUIRED CERTIFICATION.—Prior to the exer-  
4 cise of the authority in subsection (a), the Secretary of  
5 Defense shall certify to the congressional defense commit-  
6 tees that the additional airlift capability to be provided  
7 by the C-17 aircraft to be procured under that authority  
8 is consistent with the results of the Mobility Capabilities  
9 Study to be completed in fiscal year 2005.

10 **SEC. 132. PROHIBITION ON RETIREMENT OF KC-135E AIR-**  
11 **CRAFT.**

12 The Secretary of the Air Force may not retire any  
13 KC-135E aircraft of the Air Force in fiscal year 2006.

14 **SEC. 133. USE OF TANKER REPLACEMENT TRANSFER FUND**  
15 **FOR MODERNIZATION OF AERIAL REFUELING**  
16 **TANKERS.**

17 In addition to providing funds for a tanker acquisi-  
18 tion program as specified in section 8132 of the Depart-  
19 ment of Defense Appropriations Act, 2005 (Public Law  
20 108-287; 118 Stat, 1001), funds in the Tanker Replace-  
21 ment Transfer Fund established by that section may be  
22 used for the modernization of existing aerial refueling  
23 tankers if the modernization of such tankers is consistent  
24 with the results of the analysis of alternatives for meeting  
25 the aerial refueling requirements of the Air Force as re-

1 quired by section 134(b) of the National Defense Author-  
 2 ization Act for Fiscal Year 2004 (Public Law 108–136;  
 3 117 Stat. 1413).

4 **SEC. 134. PROHIBITION ON RETIREMENT OF F-117 AIR-**  
 5 **CRAFT.**

6 The Secretary of the Air Force may not retire any  
 7 F-117 Nighthawk stealth attack aircraft of the Air Force  
 8 in fiscal year 2006.

9 **SEC. 135. PROHIBITION ON RETIREMENT OF C-130E/H TAC-**  
 10 **TICAL AIRLIFT AIRCRAFT.**

11 The Secretary of the Air Force may not retire any  
 12 C-130E/H tactical airlift aircraft of the Air Force in fiscal  
 13 year 2006.

14 **SEC. 136. PROCUREMENT OF C-130J/KC-130J AIRCRAFT**  
 15 **AFTER FISCAL YEAR 2005.**

16 Any C-130J/KC-130J aircraft procured after fiscal  
 17 year 2005 (including C-130J/KC-130J aircraft procured  
 18 through a multiyear contract continuing in force from a  
 19 fiscal year before fiscal year 2006) shall be procured  
 20 through a contract under part 15 of the Federal Acquisi-  
 21 tion Regulation (FAR), relating to acquisition of items by  
 22 negotiated contract (48 C.F.R. 15.000 et seq.), rather  
 23 than through a contract under part 12 of the Federal Ac-  
 24 quisition Regulation, relating to acquisition of commercial  
 25 items (48 C.F.R. 12.000 et seq.).

1   **SEC. 137. AIRCRAFT FOR PERFORMANCE OF AEROMEDICAL**  
2                   **EVACUATIONS.**

3           (a) **REQUIREMENT TO PROCURE.**—The Secretary of  
4 the Air Force shall procure aircraft for the purpose of pro-  
5 viding aeromedical evacuation services to severely injured  
6 or ill personnel.

7           (b) **REQUIRED CAPABILITIES.**—The aircraft pro-  
8 cured under subsection (a) shall be capable of providing  
9 nonstop aeromedical evacuations across the Atlantic  
10 Ocean.

11          (c) **EQUIPPING.**—Any aircraft procured under sub-  
12 section (a) shall be equipped with current aeromedical  
13 support facilities, including electrical systems, sanitation,  
14 temperature controls, pressurization capacity, safe medical  
15 storage, equipment and medicines for life support and  
16 emergency purposes, food preparation facilities, and such  
17 other facilities as the Secretary considers appropriate for  
18 the provision of aeromedical evacuation services.

19          (d) **DEDICATED MISSION.**—Each aircraft procured  
20 and equipped under this section shall be assigned the dedi-  
21 cated mission of providing aeromedical evacuation services  
22 as described in subsection (a).

23          (e) **AVAILABILITY OF FUNDS.**—Of the amounts au-  
24 thorized to be appropriated by section 103(1) for aircraft  
25 procurement for the Air Force, \$200,000,000 shall be

1 available for the procurement and equipping of up to two  
2 aircraft under this section.

## 3                   **Subtitle E—Defense-Wide** 4                   **Programs**

### 5 **SEC. 151. ADVANCED SEAL DELIVERY SYSTEM.**

6           (a) LIMITATION ON AVAILABILITY OF FUNDS FOR  
7 ADVANCE PROCUREMENT.—No funds authorized to be ap-  
8 propriated by this Act for fiscal year 2006 for advance  
9 procurement of components for the Advanced SEAL De-  
10 livery System may be obligated or expended for that pur-  
11 pose until 30 days after the date on which the Secretary  
12 of Defense certifies to the congressional defense commit-  
13 tees that the Under Secretary of Defense for Acquisition,  
14 Technology, and Logistics has made a favorable milestone  
15 C decision regarding the Advanced SEAL Delivery Sys-  
16 tem. The certification shall be submitted together with the  
17 comprehensive report on the Advanced SEAL Delivery  
18 System required by subsection (b).

19           (b) REPORT.—As soon as possible after completion  
20 of the review of the Advanced SEAL Delivery System by  
21 the Defense Acquisition Board, the Secretary shall submit  
22 to the congressional defense committees a report that in-  
23 cludes the following:

24                   (1) The result of the milestone C decision on  
25           the Advanced SEAL Delivery System made by the



1 Under Secretary of Defense for Acquisition, Tech-  
2 nology, and Logistics.

3 (2) Such recommendations as the Secretary  
4 considers appropriate regarding the continuation, re-  
5 structuring, or termination of the Advanced SEAL  
6 Delivery System program, including recommenda-  
7 tions on adjustments to contractual arrangements in  
8 connection with the continuation, restructuring, or  
9 termination of the program.

10 (3) A detailed summary of the revised cost esti-  
11 mate and future cost estimates for the Advanced  
12 SEAL Delivery System program, which cost esti-  
13 mates shall be validated for purposes of the report  
14 by the Cost Analysis and Improvement Group within  
15 the Office of the Secretary of Defense.

16 (4) A detailed acquisition strategy for the Ad-  
17 vanced SEAL Delivery System, if the Secretary rec-  
18 ommends the continuation or restructuring of the  
19 Advanced SEAL Delivery System program under  
20 paragraph (2).

21 (5) A plan to demonstrate realistic strategies  
22 for solving any technical and performance problems  
23 identified during the final operational test and eval-  
24 uation of the Advanced SEAL Delivery System pro-  
25 posed to be conducted during the summer of 2005.

1 (c) COMPTROLLER GENERAL REVIEW.—

2 (1) IN GENERAL.—In order to achieve the pur-  
3 poses set forth in paragraph (2), the Comptroller  
4 General of the United States shall—

5 (A) review the adequacy of the final oper-  
6 ational test and evaluation test plan for the Ad-  
7 vanced SEAL Delivery System;

8 (B) review the results of the operational  
9 test of the Advanced SEAL Delivery System;  
10 and

11 (C) update the March 2003 Comptroller  
12 General report entitled Defense Acquisition, Ad-  
13 vanced SEAL Delivery System Program Needs  
14 Increased Oversight (GAO-03-442).

15 (2) PURPOSES.—The purposes of the review  
16 and update under paragraph (1) are as follows:

17 (A) To examine the progress made toward  
18 meeting operational requirements and technical  
19 challenges with respect to the Advanced SEAL  
20 Delivery System.

21 (B) To assess the capacity of the Advanced  
22 SEAL Delivery System program to meet sched-  
23 ule and cost projections for that program.

24 (C) To identify and evaluation any remain-  
25 ing factors that may contribute to potential fu-

1           ture problems for the Advanced SEAL Delivery  
2           System program.

3           (3) REPORT.—The Comptroller General shall  
4           submit to the congressional defense committees a re-  
5           port on the activities of the Comptroller General  
6           under paragraph (1) not later than February 1,  
7           2006.

8   **TITLE II—RESEARCH, DEVELOP-**  
9   **MENT, TEST, AND EVALUA-**  
10 **TION**

11       **Subtitle A—Authorization of**  
12       **Appropriations**

13 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

14       Funds are hereby authorized to be appropriated for  
15       fiscal year 2006 for the use of the Department of Defense  
16       for research, development, test, and evaluation as follows:

17           (1) For the Army, \$9,716,824,000.

18           (2) For the Navy, \$18,398,091,000.

19           (3) For the Air Force, \$22,636,568,000.

20           (4)       For       Defense-wide       activities,  
21       \$18,843,296,000, of which \$168,458,000 is author-  
22       ized for the Director of Operational Test and Eval-  
23       uation.

1 **SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.**

2 (a) AMOUNT FOR PROJECTS.—Of the total amount  
3 authorized to be appropriated by section 201,  
4 \$10,924,401,000 shall be available for science and tech-  
5 nology projects.

6 (b) SCIENCE AND TECHNOLOGY DEFINED.—In this  
7 section, the term “science and technology project” means  
8 work funded in program elements for defense research, de-  
9 velopment, test, and evaluation under Department of De-  
10 fense budget activities 1, 2, or 3.

11 **Subtitle B—Program Requirements, Restrictions, and Limita-**  
12 **tions**  
13

14 **SEC. 211. CONTRACT FOR THE PROCUREMENT OF THE FU-**  
15 **TURE COMBAT SYSTEM (FCS).**

16 The Secretary of the Army shall procure the Future  
17 Combat System (FCS) through a contract under part 15  
18 of the Federal Acquisition Regulation (FAR), relating to  
19 acquisition of items by negotiated contract (48 C.F.R.  
20 15.000 et seq.), rather than through a transaction under  
21 section 2371 of title 10, United States Code.

22 **SEC. 212. JOINT FIELD EXPERIMENT ON STABILITY AND**  
23 **SUPPORT OPERATIONS.**

24 (a) JOINT FIELD EXPERIMENT REQUIRED.—The  
25 Secretary of Defense shall, in fiscal year 2006, carry out

1 a joint field experiment to address matters relating to sta-  
2 bility and support operations.

3 (b) PURPOSES.—The purposes of the joint field ex-  
4 periment under subsection (a) are as follows:

5 (1) To explore critical challenges associated  
6 with the planning and execution of military and sup-  
7 port activities required in the post-conflict environ-  
8 ment following major combat activities.

9 (2) To facilitate the development of rec-  
10 ommendations for appropriate policy, doctrine, train-  
11 ing infrastructure, and organizational structures to  
12 best facilitate the conduct of effective stability and  
13 support operations in such an environment.

14 (c) PARTICIPATING ELEMENTS AND FORCES.—

15 (1) IN GENERAL.—The joint field experiment  
16 under subsection (a) shall involve—

17 (A) elements of the Army, the Marine  
18 Corps, and the Special Operations Command  
19 selected by the Secretary for purposes of the  
20 field experiment;

21 (B) representatives of policy elements with-  
22 in the Department selected by the Secretary for  
23 such purposes; and

1 (C) any other forces or elements of the De-  
2 partment that the Secretary considers appro-  
3 priate for such purposes.

4 (2) ADDITIONAL ELEMENTS.—The Secretary  
5 shall also invite the participation in the field experi-  
6 ment of appropriate elements of other departments  
7 and agencies of the United States Government, and  
8 of such elements and forces of coalition nations, as  
9 the Secretary considers appropriate for purposes of  
10 the field experiment.

11 (d) REPORT.—Not later than January 31, 2007, the  
12 Secretary shall submit to the congressional defense com-  
13 mittees a report on the joint field experiment under sub-  
14 section (a). The report shall include—

15 (1) a description of the field experiment;

16 (2) the findings of the Secretary as a result of  
17 the field experiment; and

18 (3) such recommendations, including rec-  
19 ommendations for additional legislative or adminis-  
20 trative actions and recommendations on funding re-  
21 quired to implement such actions, as the Secretary  
22 considers appropriate in light of the field experi-  
23 ment.

**Subtitle C—Missile Defense  
Programs**

**SEC. 221. ONE-YEAR EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.**

(a) EXTENSION.—Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) in paragraph (1), by striking “through 2006” and inserting “through 2007”; and

(2) in paragraph (2), by striking “through 2007” and inserting “through 2008”.

(b) MODIFICATION OF SUBMITTAL DATE.—Paragraph (2) of such section is further amended by striking “February 15” and inserting “March 15”.

**SEC. 222. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.**

(a) AUTHORITY TO USE FUNDS.—Funds referred to in subsection (b) may, upon approval by the Secretary of Defense, be used for the development and fielding of ballistic missile defense capabilities.

(b) COVERED FUNDS.—Funds referred to in this subsection are funds authorized to be appropriated for fiscal year 2006 or 2007 for research, development, test, and evaluation for the Missile Defense Agency.

1 **SEC. 223. PLANS FOR TEST AND EVALUATION OF OPER-**  
2 **ATIONAL CAPABILITY OF THE BALLISTIC MIS-**  
3 **SILE DEFENSE SYSTEM.**

4 (a) PLANS REQUIRED.—

5 (1) IN GENERAL.—With respect to block 06,  
6 and each subsequent block, of the Ballistic Missile  
7 Defense System, the appropriate joint and service  
8 operational test and evaluation components of the  
9 Department of Defense concerned with such block  
10 shall, in coordination with the Missile Defense Agen-  
11 cy and subject to the review and approval of the Di-  
12 rector of Operational Test and Evaluation, prepare  
13 a plan to test, evaluate, and characterize the oper-  
14 ational capability of such block.

15 (2) NATURE OF PLANS.—Each plan prepared  
16 under this subsection shall be appropriate for the  
17 level of technological maturity of the block to be  
18 tested.

19 (b) REPORTS ON TEST AND EVALUATION OF  
20 BLOCKS.—At the conclusion of the test and evaluation of  
21 block 06, and of each subsequent block, of the Ballistic  
22 Missile Defense System, the Director of Operational Test  
23 and Evaluation shall submit to the Secretary of Defense,  
24 and to the congressional defense committees, a report pro-  
25 viding—



- 1           (1) the assessment of the Director as to wheth-  
 2           er or not such test and evaluation was adequate to  
 3           evaluate the operational capability of such block; and  
 4           (2) the characterization of the Director as to  
 5           the operational effectiveness, suitability, and surviv-  
 6           ability of such block, as appropriate for the level of  
 7           technological maturity of the block to be tested.

8   **Subtitle D—High-Performance De-**  
 9   **fense     Manufacturing     Tech-**  
 10   **nology Research and Develop-**  
 11   **ment**

12   **SEC. 231. RESEARCH AND DEVELOPMENT.**

13           (a) IDENTIFICATION OF ENHANCED PROCESSES AND  
 14   TECHNOLOGIES.—The Under Secretary of the Defense for  
 15   Acquisition, Technology, and Logistics shall identify ad-  
 16   vanced manufacturing processes and technologies whose  
 17   utilization will achieve significant productivity and effi-  
 18   ciency gains in the defense manufacturing base.

19           (b) RESEARCH AND DEVELOPMENT.—The Under  
 20   Secretary shall undertake research and development on  
 21   processes and technologies identified under subsection (a)  
 22   that addresses, in particular—

- 23           (1) innovative manufacturing processes and ad-  
 24           vanced technologies; and

1           (2) the creation of extended production enter-  
 2           prises using information technology and new busi-  
 3           ness models.

4           (c) DEFENSE PRIORITIES.—In undertaking research  
 5 and development under subsection (b), the Under Sec-  
 6 retary shall consider defense priorities established in the  
 7 most current Joint Warfighting Science and Technology  
 8 Plan.

9   **SEC. 232. TRANSITION OF TRANSFORMATIONAL MANUFAC-**  
 10                   **TURING PROCESSES AND TECHNOLOGIES TO**  
 11                   **THE DEFENSE MANUFACTURING BASE.**

12           (a) ACCELERATION OF TRANSITION FROM SCIENCE  
 13 AND TECHNOLOGY.—

14           (1) IN GENERAL.—The Under Secretary of De-  
 15 fense for Acquisition, Technology, and Logistics  
 16 shall undertake appropriate actions to accelerate the  
 17 transition of transformational manufacturing tech-  
 18 nologies and processes (including processes and tech-  
 19 nologies identified under section 231) from the re-  
 20 search stage to utilization by manufacturers in the  
 21 defense manufacturing base.

22           (2) EXECUTION.—The actions undertaken  
 23 under paragraph (1) shall include a memorandum of  
 24 understanding among the Director of Defense Re-  
 25 search and Engineering, other appropriate elements

1 of the Department of Defense, and the Joint De-  
2 fense Manufacturing Technology Panel to accelerate  
3 the transition of technologies and processes as de-  
4 scribed in that paragraph.

5 (b) PROTOTYPES AND TESTBEDS.—

6 (1) IN GENERAL.—The Under Secretary shall,  
7 utilizing the Manufacturing Technology Program,  
8 undertake the development of prototypes and  
9 testbeds to promote the purposes of this section.

10 (2) COORDINATION OF ACTIVITIES.—The Under  
11 Secretary shall coordinate activities under this sub-  
12 section with activities under the Small Business In-  
13 novation Research Program and the Small Business  
14 Technology Transfer Program.

15 (c) DEVELOPMENT OF IMPROVEMENT PROCESS.—

16 The Under Secretary shall, in consultation with persons  
17 and organizations in the defense manufacturing base, de-  
18 velop and implement a program to continuously identify  
19 and utilize improvements and innovative processes in ap-  
20 propriate defense acquisition programs and by manufac-  
21 turers in the defense manufacturing base.

22 (d) DIFFUSION OF ENHANCEMENTS INTO DEFENSE  
23 MANUFACTURING BASE.—The Under Secretary shall en-  
24 sure the utilization in industry of enhancements in produc-

1 tivity and efficiency identified by reason of activities under  
 2 this subtitle through the following:

3           (1) Research and development activities under  
 4           the Manufacturing Technology Program, including  
 5           the establishment of public-private partnerships.

6           (2) Outreach through the Manufacturing Ex-  
 7           tension Partnership Program under memoranda of  
 8           agreement, cooperative programs, and other appro-  
 9           priate arrangements.

10          (3) Coordination with activities under such  
 11          other current programs for the dissemination of  
 12          manufacturing technology as the Under Secretary  
 13          considers appropriate.

14          (4) Identification of incentives for contractors  
 15          in the defense manufacturing base to incorporate  
 16          and utilize manufacturing enhancements in the man-  
 17          ufacturing activities.

18 **SEC. 233. MANUFACTURING TECHNOLOGY STRATEGIES.**

19          (a) IN GENERAL.—The Under Secretary of Defense  
 20          for Acquisition, Technology, and Logistics may—

21               (1) identify an area of technology where the de-  
 22               velopment of an industry-prepared roadmap for new  
 23               manufacturing and technology processes applicable  
 24               to defense manufacturing requirements would be  
 25               beneficial to the Department of Defense; and

1           (2) establish a task force, and act in coopera-  
2           tion, with the private sector to map the strategy for  
3           the development of manufacturing processes and  
4           technologies needed to support technology develop-  
5           ment in the area identified under paragraph (1).

6           (b) COMMENCEMENT OF ROADMAPPING.—The Under  
7           Secretary shall commence any roadmapping identified  
8           pursuant to subsection (a)(1) not later than January  
9           2007.

10   **SEC. 234. REPORT.**

11           (a) IN GENERAL.—Not later than December 31,  
12           2007, the Under Secretary of the Defense for Acquisition,  
13           Technology, and Logistics shall submit to the congres-  
14           sional defense committees a report on the actions under-  
15           taken by the Under Secretary under this subtitle during  
16           fiscal year 2006.

17           (b) ELEMENTS.—The report under subsection (a)  
18           shall include—

19                   (1) a comprehensive description of the actions  
20                   undertaken under this subtitle during fiscal year  
21                   2006;

22                   (2) an assessment of effectiveness of such ac-  
23                   tions in enhancing research and development on  
24                   manufacturing technologies and processes, and im-

1       plementation of such within the defense manufac-  
2       turing base; and

3               (3) such recommendations as the Under Sec-  
4       retary considers appropriate for additional actions to  
5       be undertaken in order to increase the effectiveness  
6       of the actions undertaken under this subtitle in en-  
7       hancing manufacturing activities within the defense  
8       manufacturing base.

9   **SEC. 235. DEFINITIONS.**

10       In this subtitle:

11               (1) **DEFENSE MANUFACTURING BASE.**—The  
12       term “defense manufacturing base” includes any  
13       supplier of the Department of Defense, including a  
14       supplier of raw materials.

15               (2) **EXTENDED PRODUCTION ENTERPRISE.**—  
16       The term “extended production enterprise” means a  
17       system in which key entities, including entities en-  
18       gaged in product development, manufacturing,  
19       sourcing, and user entities, in the manufacturing  
20       chain are linked together through information tech-  
21       nology and other means to promote efficiency and  
22       productivity.

23               (3) **MANUFACTURING EXTENSION PARTNERSHIP**  
24       **PROGRAM.**—The term “Manufacturing Extension  
25       Partnership Program” means the Manufacturing

1       Extension Partnership Program of the Department  
2       of Commerce.

3           (4)   MANUFACTURING   TECHNOLOGY   PRO-  
4       GRAM.—The term “Manufacturing Technology Pro-  
5       gram” means the Manufacturing Technology Pro-  
6       gram under the Director of Defense Research and  
7       Engineering under section 2521 of title 10, United  
8       States Code.

9           (5)   SMALL BUSINESS INNOVATION RESEARCH  
10      PROGRAM.—The term “Small Business Innovation  
11      Research Program” has the meaning given that  
12      term in section 2055(11) of title 10, United States  
13      Code.

14          (6)   SMALL BUSINESS TECHNOLOGY TRANSFER  
15      PROGRAM.—The term “Small Business Technology  
16      Transfer Program” has the meaning given that term  
17      in section 2500(12) of title 10, United States Code.

## 18           **Subtitle E—Other Matters**

### 19   **SEC. 241. EXPANSION OF ELIGIBILITY FOR LEADERSHIP OF** 20                   **DEPARTMENT OF DEFENSE TEST RESOURCE** 21                   **MANAGEMENT CENTER.**

22          (a) DIRECTOR OF CENTER.—Paragraph (1) of sec-  
23      tion 196(b) of title 10, United States Code, is amended  
24      by striking “commissioned officers” and all that follows  
25      through the end of the sentence and inserting “individuals

1 who have substantial experience in the field of test and  
2 evaluation.”.

3 (b) DEPUTY DIRECTOR OF CENTER.—Paragraph (2)  
4 of such section is amended by striking “senior civilian offi-  
5 cers and employees of the Department of Defense” and  
6 inserting “individuals”.

7 **SEC. 242. TECHNOLOGY TRANSITION.**

8 (a) CLARIFICATION OF DUTIES OF TECHNOLOGY  
9 TRANSITION COUNCIL.—Paragraph (2) of section  
10 2359a(g) of title 10, United States Code, is amended to  
11 read as follows:

12 “(2) The duty of the Council shall be to support the  
13 Undersecretary of Defense for Acquisition, Technology,  
14 and Logistics in the development of policies to facilitate  
15 the rapid transition of technologies from science and tech-  
16 nology programs of the Department of Defense into acqui-  
17 sition programs of the Department.”.

18 (b) REPORT ON TECHNOLOGY TRANSITION.—

19 (1) IN GENERAL.—The Secretary of Defense,  
20 working through the Technology Transition Council,  
21 shall submit to the congressional defense committees  
22 a report on the challenges associated with technology  
23 transition from the science and technology programs  
24 of the Department of Defense to the acquisition pro-



grams of the Department, and a strategy to address such challenges, including—

(A) a description of any organizational barriers to technology transition between operations, acquisition, and technology development components of the Department;

(B) an assessment of the effect of Department acquisition regulations on technology transition;

(C) a description of the role of technology transition in the planning, programming, and budgeting processes of the Department;

(D) a description of any other challenges associated with technology transition in the Department that are identified by the Secretary;

(E) a Department-wide strategy for pursuing technology transition; and

(F) such recommendations as the Secretary considers appropriate for the improvement of technology transition and for the elimination of internal barriers within the Department to technology transition.

(2) SUBMITTAL DATE.—The report under paragraph (1) shall be submitted at the same time the budget of the President is submitted to Congress

1       pursuant to section 1105(a) of title 31, United  
2       States Code, for fiscal year 2007.

3   **SEC. 243. PREVENTION, MITIGATION, AND TREATMENT OF**  
4       **BLAST INJURIES.**

5       (a) DESIGNATION OF EXECUTIVE AGENT.—The Sec-  
6   retary of Defense shall designate a senior official of the  
7   Department of Defense as the executive agent responsible  
8   for coordinating and managing the programs and efforts  
9   of the Department of Defense with respect to the preven-  
10   tion, mitigation, and treatment of blast injuries.

11      (b) GENERAL RESPONSIBILITY.—The executive  
12   agent designated under subsection (a) shall be responsible  
13   for ensuring that—

14           (1) the programs and efforts of the Department  
15       of Defense on the prevention, mitigation, and treat-  
16       ment of blast injuries are adequate to meet require-  
17       ments relating to the prevention, mitigation, and  
18       treatment of such injuries; and

19           (2) the resources devoted to such programs and  
20       efforts facilitate the achievement of the objective  
21       specified in paragraph (1).

22      (c) RESEARCH EFFORTS.—The executive agent des-  
23   ignated under subsection (a) shall—

24           (1) review and assess the adequacy of current  
25       research efforts of the Department of Defense on

1 the prevention, mitigation, and treatment of such in-  
2 juries;

3 (2) establish requirements for such research ef-  
4 forts in order to enhance and accelerate such re-  
5 search efforts; and

6 (3) establish, coordinate, and oversee Depart-  
7 ment-wide research efforts on the prevention, mitiga-  
8 tion, and treatment of such injuries, including—

9 (A) in the case of blast injury prevention,  
10 research on—

11 (i) blast characterization in a variety  
12 of environments;

13 (ii) modeling and simulation of safe  
14 blast stand-off distances;

15 (iii) detect and defeat capabilities; and

16 (iv) such other matters as such offi-  
17 cial considers appropriate;

18 (B) in the case of blast injury mitigation,  
19 research on—

20 (i) armor design and materials testing  
21 for blast and ballistic protection;

22 (ii) the design of a comprehensive, in-  
23 tegrated, flexible armor system which pro-  
24 vides blast, ballistic, and fire protection for

1 the head, neck, ears, eyes, torso, and ex-  
2 tremities; and

3 (iii) such other matters as such offi-  
4 cial considers appropriate; and

5 (C) in the case of blast injury treatment,  
6 research on emerging military medical tech-  
7 nologies, pharmacological agents, devices, and  
8 treatment and rehabilitation techniques.

9 (d) STUDIES.—The executive agent designated under  
10 subsection (a) shall conduct studies on the prevention,  
11 mitigation, and treatment of blast injuries, including—

12 (1) studies to improve the clinical evaluation  
13 and treatment of blast injuries, with an emphasis on  
14 traumatic brain injuries and other consequences of  
15 blast injury, including acoustic and eye injuries and  
16 injuries resulting from over-pressure wave; and

17 (2) studies to develop improved clinical proto-  
18 cols by which physicians—

19 (A) can more accurately evaluate trau-  
20 matic brain injuries and discriminate between  
21 traumatic brain injuries and post traumatic  
22 stress disorder (including improved diagnostic  
23 and cognitive measures);

1 (B) can identify members of the Armed  
2 Forces who may have both traumatic brain in-  
3 jury and post traumatic stress disorder; and

4 (C) can develop integrated treatment ap-  
5 proaches for servicemembers who have both  
6 traumatic brain injuries and post traumatic  
7 stress disorder and other multiple injuries.

8 (e) PILOT PROJECTS.—The executive agent des-  
9 ignated under subsection (a) shall commence in fiscal year  
10 2006 not less than three pilot projects on the prevention,  
11 mitigation, and treatment of blast injuries, including pilot  
12 projects—

13 (1) to study the incidence in returning soldiers  
14 of traumatic brain injuries attributable to blast in-  
15 juries;

16 (2) to develop protocols for medical tracking of  
17 members of the Armed Forces for up to five years  
18 following blast injuries; and

19 (3) to refine and improve educational interven-  
20 tions for blast injury survivors and their families.

21 (f) TRAINING PROGRAM.—The executive agent des-  
22 ignated under subsection (a) shall establish a training pro-  
23 gram for medical and non-medical personnel on the pre-  
24 vention, mitigation, and treatment of blast injuries which  
25 program shall be intended to improve field and clinical

1 training on early identification of blast injury con-  
2 sequences, both seen and unseen, including traumatic  
3 brain injuries, acoustic injuries, and internal injuries.

4 (g) TREATMENT PROGRAM.—The executive agent  
5 designated under subsection (a) shall conduct a treatment  
6 program intended to enhance the evaluation and care of  
7 members of the Armed Forces with traumatic brain inju-  
8 ries in medical facilities in the United States and in de-  
9 ployed medical facilities.

10 (h) ANNUAL REPORTS ON BLAST INJURY MAT-  
11 TERS.—

12 (1) REPORTS REQUIRED.—Not later than Feb-  
13 ruary 15, 2006, and annually thereafter through  
14 2010, the Secretary of Defense shall submit to the  
15 congressional defense committees a report on the ef-  
16 forts of the Department of Defense to prevent, miti-  
17 gate, and treat blast injuries.

18 (2) ELEMENTS.—Each report under paragraph  
19 (1) shall include the following:

20 (A) A description of the activities under-  
21 taken under this section during the year pre-  
22 ceding the report to improve the prevention,  
23 mitigation, and treatment of blast injuries.

24 (B) A consolidated budget presentation for  
25 the programs and activities of the Department

1 of Defense during the fiscal year beginning in  
2 the year of the report for the prevention, miti-  
3 gation, and treatment of blast injuries.

4 (C) A description of any gaps in the capa-  
5 bilities of the Department under its programs  
6 and activities for the prevention, mitigation,  
7 and treatment of blast injuries, and a descrip-  
8 tion of any plans or projects to address such  
9 gaps.

10 (D) A description of collaboration, if any,  
11 with other departments and agencies of the  
12 Federal Government, and with other countries,  
13 during the year preceding the report in efforts  
14 for the prevention, mitigation, and treatment of  
15 blast injuries.

16 (E) A description of any efforts during the  
17 year preceding the report to disseminate find-  
18 ings on the mitigation and treatment of blast  
19 injuries through civilian and military research  
20 and medical communities.

21 (F) A description of the status of efforts  
22 during the year preceding the report to design  
23 a comprehensive force protection system that is  
24 effective in confronting blast, ballistic, and fire  
25 threats.

1 (i) **BLAST INJURIES DEFINED.**—In this section, the  
 2 term “blast injuries” means injuries that occur as the re-  
 3 sult of the detonation of high explosives, including vehicle-  
 4 borne and person-borne explosive devices, rocket-propelled  
 5 grenades, and improvised explosive devices.

6 **TITLE III—OPERATION AND**  
 7 **MAINTENANCE**  
 8 **Subtitle A—Authorization of**  
 9 **Appropriations**

10 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

11 Funds are hereby authorized to be appropriated for  
 12 fiscal year 2006 for the use of the Armed Forces and other  
 13 activities and agencies of the Department of Defense for  
 14 expenses, not otherwise provided for, for operation and  
 15 maintenance, in amounts as follows:

- 16 (1) For the Army, \$24,951,460,000.  
 17 (2) For the Navy, \$30,547,489,000.  
 18 (3) For the Marine Corps, \$3,842,026,000.  
 19 (4) For the Air Force, \$31,425,919,000.  
 20 (5) For Defense-wide activities,  
 21 \$18,584,469,000.  
 22 (6) For the Army Reserve, \$1,989,382,000.  
 23 (7) For the Naval Reserve, \$1,245,695,000.  
 24 (8) For the Marine Corps Reserve,  
 25 \$199,934,000.



1           (9) For the Air Force Reserve, \$2,559,686,000.

2           (10) For the Army National Guard,  
3           \$4,528,019,000.

4           (11) For the Air National Guard,  
5           \$4,772,991,000.

6           (12) For the United States Court of Appeals  
7           for the Armed Forces, \$11,236,000.

8           (13) For Environmental Restoration, Army,  
9           \$407,865,000.

10          (14) For Environmental Restoration, Navy,  
11          \$305,275,000.

12          (15) For Environmental Restoration, Air Force,  
13          \$406,461,000.

14          (16) For Environmental Restoration, Defense-  
15          wide, \$28,167,000.

16          (17) For Environmental Restoration, Formerly  
17          Used Defense Sites, \$261,921,000.

18          (18) For Overseas Humanitarian, Disaster, and  
19          Civic Aid programs, \$61,546,000.

20          (19) For Cooperative Threat Reduction pro-  
21          grams, \$415,549,000.

22          (20) For the Overseas Contingency Operations  
23          Transfer Fund, \$20,000,000.

1 **SEC. 302. WORKING CAPITAL FUNDS.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2006 for the use of the Armed Forces and other  
4 activities and agencies of the Department of Defense for  
5 providing capital for working capital and revolving funds  
6 in amounts as follows:

7 (1) For the Defense Working Capital Funds,  
8 \$1,471,340,000.

9 (2) For the National Defense Sealift Fund,  
10 \$1,011,304,000.

11 **SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

12 (a) **DEFENSE HEALTH PROGRAM.**—Funds are here-  
13 by authorized to be appropriated for the Department of  
14 Defense for fiscal year 2006 for expenses, not otherwise  
15 provided for, for the Defense Health Program,  
16 \$19,900,812,000, of which—

17 (1) \$19,351,337,000 is for Operation and  
18 Maintenance;

19 (2) \$174,156,000 is for Research, Development,  
20 Test, and Evaluation; and

21 (3) \$375,319,000 is for Procurement.

22 (b) **CHEMICAL AGENTS AND MUNITIONS DESTRUC-**  
23 **TION, DEFENSE.**—(1) Funds are hereby authorized to be  
24 appropriated for the Department of Defense for fiscal year  
25 2006 for expenses, not otherwise provided for, for Chem-

1 ical Agents and Munitions Destruction, Defense,  
2 \$1,425,827,000, of which—

3 (A) \$1,241,514,000 is for Operation and Main-  
4 tenance;

5 (B) \$67,786,000 is for Research, Development,  
6 Test, and Evaluation; and

7 (C) \$116,527,000 is for Procurement.

8 (2) Amounts authorized to be appropriated under  
9 paragraph (1) are authorized for—

10 (A) the destruction of lethal chemical agents  
11 and munitions in accordance with section 1412 of  
12 the Department of Defense Authorization Act, 1986  
13 (50 U.S.C. 1521); and

14 (B) the destruction of chemical warfare mate-  
15 rial of the United States that is not covered by sec-  
16 tion 1412 of such Act.

17 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-  
18 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized  
19 to be appropriated for the Department of Defense for fis-  
20 cal year 2006 for expenses, not otherwise provided for, for  
21 Drug Interdiction and Counter-Drug Activities, Defense-  
22 wide, \$895,741,000.

23 (d) DEFENSE INSPECTOR GENERAL.—Funds are  
24 hereby authorized to be appropriated for the Department  
25 of Defense for fiscal year 2006 for expenses, not otherwise

1 provided for, for the Office of the Inspector General of  
 2 the Department of Defense, \$209,687,000, of which—

3 (1) \$208,687,000 is for Operation and Mainte-  
 4 nance; and

5 (2) \$1,000,000 is for Procurement.

## 6 **Subtitle B—Environmental** 7 **Provisions**

### 8 **SEC. 311. ELIMINATION AND SIMPLIFICATION OF CERTAIN** 9 **ITEMS REQUIRED IN THE ANNUAL REPORT** 10 **ON ENVIRONMENTAL QUALITY PROGRAMS** 11 **AND OTHER ENVIRONMENTAL ACTIVITIES.**

12 Section 2706(b)(2) of title 10, United States Code,  
 13 is amended—

14 (1) by striking subparagraphs (D) and (E);

15 (2) by inserting after subparagraph (C) the fol-  
 16 lowing new subparagraph:

17 “(D) A summary of fines and penalties imposed  
 18 or assessed against the Department of Defense and  
 19 the military departments under Federal, State, or  
 20 local environmental laws during the fiscal year in  
 21 which the report is submitted and the four preceding  
 22 fiscal years, which summary shall include—

23 “(i) a trend analysis of such fines and pen-  
 24 alties for military installations inside and out-  
 25 side the United States; and

1 “(ii) a list of such fines or penalties that  
 2 exceeded \$500,000 and the provisions of law  
 3 under which such fines or penalties were im-  
 4 posed or assessed.”;

5 (3) by redesignating subparagraph (F) as sub-  
 6 paragraph (E); and

7 (4) in subparagraph (E), as redesignated by  
 8 paragraph (3), by striking “and amounts for con-  
 9 ferences” and all that follows through “such activi-  
 10 ties”.

11 **SEC. 312. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS**  
 12 **IN CONNECTION WITH THE DEFENSE ENVI-**  
 13 **RONMENTAL RESTORATION PROGRAM.**

14 (a) PAYMENT FOR ACTIVITIES AT FORMER DEFENSE  
 15 PROPERTY THAT IS SUBJECT TO COVENANT FOR ADDI-  
 16 TIONAL REMEDIAL ACTION.—Subsection (d) of section  
 17 2701 of title 10, United States Code, is amended—

18 (1) in paragraph (1)—

19 (A) by striking “paragraph (3)” and in-  
 20 serting “paragraphs (3) and (4)”;

21 (B) by inserting “any owner of covenant  
 22 property,” after “tribe,” the first place it ap-  
 23 pears; and

24 (C) by inserting “owner of covenant prop-  
 25 erty,” after “tribe,” the second place it appears;

1           (2) by redesignating paragraph (4) as para-  
2 graph (5);

3           (3) by inserting after paragraph (3) the fol-  
4 lowing new paragraph:

5           “(4) PERFORMANCE OF SERVICES ON COV-  
6 ENANT PROPERTY.—An owner of covenant property  
7 may not be paid on a reimbursable or other basis for  
8 services performed under an agreement under para-  
9 graph (1) unless such services are performed on  
10 such covenant property.”; and

11           (4) in paragraph (5), as redesignated by para-  
12 graph (2), by adding at the end the following new  
13 subparagraph:

14           “(C) The term ‘owner of covenant prop-  
15 erty’ means an owner of property subject to a  
16 covenant provided by the United States in ac-  
17 cordance with section 120(h)(3)(A)(ii)(II) of  
18 CERCLA (42 U.S.C. 9620(h)(3)(A)(ii)(II)).”.

19           (b) APPLICABLE CLEANUP STANDARDS.—Paragraph  
20 (3) of such subsection is further amended—

21           (1) by striking “An agreement” and inserting  
22 “(A) An agreement”; and

23           (2) by inserting at the end the following new  
24 subparagraph:

1           “(B) An agreement under paragraph (1) may  
2           not change the cleanup standards applicable to the  
3           site as established by law.”.

4           (c) SOURCE OF FUNDS FOR FORMER BASE CLOSURE  
5   AND REALIGNMENT PROPERTY SUBJECT TO COVENANT  
6   FOR ADDITIONAL REMEDIAL ACTION.—Section 2703 of  
7   such title is amended—

8           (1) in subsection (g)(1), by striking “The sole  
9           source” and inserting “Except as provided in sub-  
10          section (h), the sole source”; and

11          (2) by adding at the end the following new sub-  
12          section:

13          “(h) SOLE SOURCE OF FUNDS FOR CERTAIN ENVI-  
14   RONMENTAL REMEDIATION AT BASE REALIGNMENT AND  
15   CLOSURE SITES.—In the case of property disposed of pur-  
16   suant to a base closure law and subject to a covenant de-  
17   scribed in subsection (d)(5)(C) of section 2701 of this  
18   title, the sole source of funds for services under subsection  
19   (d)(1) of such section shall be the base closure account  
20   established under the base closure law under which such  
21   property was disposed of.”.

## 22           **Subtitle C—Other Matters**

### 23   **SEC. 321. AIRCRAFT CARRIERS.**

24          (a) FUNDING FOR REPAIR AND MAINTENANCE OF  
25   U.S.S. JOHN F. KENNEDY.—Of the amounts authorized

1 to be appropriated for operation and maintenance for the  
2 Navy by this Act and any other Act for fiscal year 2005  
3 and 2006, \$288,000,000 shall be available only for repair  
4 and maintenance to extend the life of U.S.S. John F. Ken-  
5 nedy.

6 (b) LIMITATION ON REDUCTION IN NUMBER OF AC-  
7 TIVE AIRCRAFT CARRIERS.—

8 (1) LIMITATION.—The Secretary of the Navy  
9 may not reduce the number of active aircraft car-  
10 riers of the Navy below 12 active aircraft carriers  
11 until the later of the following:

12 (A) The date that is 180 days after the  
13 date of the submittal to Congress of the quad-  
14 rennial defense review required in 2005 under  
15 section 118 of title 10, United States Code.

16 (B) The date on which the Secretary of  
17 Defense, in consultation with the Chairman of  
18 the Joint Chiefs of Staff, certifies to the con-  
19 gressional defense committees that such agree-  
20 ments have been entered into to provide port  
21 facilities for the permanent forward deployment  
22 of such number of aircraft carriers as is nec-  
23 essary in the Pacific Command Area of Respon-  
24 sibility to fulfill the roles and missions of that  
25 Command, including agreements for the for-



1           ward deployment of a nuclear aircraft carrier  
 2           after the retirement of the current two conven-  
 3           tional aircraft carriers.

4           (2) ACTIVE AIRCRAFT CARRIERS.—For pur-  
 5           poses of this subsection, an active aircraft carrier of  
 6           the Navy includes an aircraft carrier that is tempo-  
 7           rarily unavailable for worldwide deployment due to  
 8           routine or scheduled maintenance.

9   **SEC. 322. LIMITATION ON TRANSITION OF FUNDING FOR**  
 10                   **EAST COAST SHIPYARDS FROM FUNDING**  
 11                   **THROUGH NAVY WORKING CAPITAL FUND TO**  
 12                   **DIRECT FUNDING.**

13       (a) LIMITATION.—The Secretary of the Navy may  
 14       not convert funding for the shipyards of the Navy on the  
 15       Eastern Coast of the United States from funding through  
 16       the working capital fund of the Navy to funding on a di-  
 17       rect basis (also known as “mission funding”) until the  
 18       later of—

19           (1) the date that is six months after the date  
 20           on which the Secretary submits to the congressional  
 21           defense committees the report required by subsection

22           (b); or

23           (2) October 1, 2006.

24       (b) REPORT ON DIRECT FUNDING FOR PUGET  
 25       SOUND NAVAL SHIPYARD.—The Secretary shall submit to

1 the congressional defense committees a report that con-  
 2 tains the assessment of the Secretary on the effects on  
 3 Puget Sound Naval Shipyard, Washington, of the conver-  
 4 sion of funding for Puget Sound Naval Shipyard from  
 5 funding through the working capital fund of the Navy to  
 6 funding on a direct basis.

7 **SEC. 323. USE OF FUNDS FROM NATIONAL DEFENSE SEA-**  
 8 **LIFT FUND TO EXERCISE PURCHASE OP-**  
 9 **TIONS ON MARITIME PREPOSITIONING SHIP**  
 10 **VESSELS.**

11 (a) USE OF FUNDS.—Notwithstanding the provisions  
 12 of section 2218(f)(1) of title 10, United States Code, the  
 13 Secretary of Defense may obligate and expend any funds  
 14 in the National Defense Sealift Fund to exercise options  
 15 to purchase three Maritime Prepositioning Ship (MPS)  
 16 vessels under charter to the Navy as of the date of the  
 17 enactment of this Act, the contracts for which charters  
 18 expire in 2009.

19 (b) NATIONAL DEFENSE SEALIFT FUND DE-  
 20 FINED.—In this section, the term “National Defense Sea-  
 21 lift Fund” means the National Defense Sealift Fund es-  
 22 tablished by section 2218 of title 10, United States Code.

23 **SEC. 324. PURCHASE AND DESTRUCTION OF WEAPONS**  
 24 **OVERSEAS.**

25 (a) AUTHORITY TO USE FUNDS.—

1           (1) IN GENERAL.—Subchapter I of chapter 134  
 2           of title 10, United States Code, is amended by add-  
 3           ing at the end the following new section:

4   **“§ 2249d. Use of appropriated funds for purchase and**  
 5                 **destruction of weapons overseas**

6           “(a) PURCHASE OF WEAPONS.—Amounts appro-  
 7           priated or otherwise available to the Department of De-  
 8           fense for operation and maintenance may be used to pur-  
 9           chase weapons overseas from any person, foreign govern-  
 10          ment, international organization, or other entity for the  
 11          purpose of protecting United States forces engaged in  
 12          military operations overseas.

13          “(b) DESTRUCTION OF WEAPONS.—Weapons pur-  
 14          chased under the authority in subsection (a) may be de-  
 15          stroyed.

16          “(c) NOTICE TO CONGRESS.—The Secretary of De-  
 17          fense shall promptly notify the congressional defense com-  
 18          mittees of any use of the authority in subsection (a) to  
 19          purchase weapons.”.

20                 (2) CLERICAL AMENDMENT.—The table of sec-  
 21          tions at the beginning of such subchapter is amend-  
 22          ed by adding at the end the following new item:

“2249d. Use of appropriated funds for purchase and destruction of weapons  
 overseas.”.

23          (b) EFFECTIVE DATE.—The amendments made by  
 24          this section shall take effect on October 1, 2005, and shall

1 apply with respect to funds appropriated or otherwise  
 2 made available for fiscal years after fiscal year 2005.

3 **SEC. 325. INCREASE IN MAXIMUM CONTRACT AMOUNT FOR**  
 4 **PROCUREMENT OF SUPPLIES AND SERVICES**  
 5 **FROM EXCHANGE STORES OUTSIDE THE**  
 6 **UNITED STATES.**

7 Section 2424(b)(1) of title 10, United States Code,  
 8 is amended by striking “\$50,000” and inserting  
 9 “\$100,000”.

10 **SEC. 326. EXTENSION OF AUTHORITY TO PROVIDE LOGIS-**  
 11 **TICS SUPPORT AND SERVICES FOR WEAPON**  
 12 **SYSTEMS CONTRACTORS.**

13 Section 365(g)(1) of the Bob Stump National De-  
 14 fense Authorization Act for Fiscal Year 2003 (Public Law  
 15 107–314; 116 Stat. 2520; 10 U.S.C. 2302 note) is amend-  
 16 ed by striking “September 30, 2007” and inserting “Sep-  
 17 tember 30, 2010”.

18 **SEC. 327. ARMY TRAINING STRATEGY.**

19 (a) TRAINING STRATEGY.—

20 (1) STRATEGY REQUIRED.—The Secretary of  
 21 the Army shall develop and implement a training  
 22 strategy to ensure the readiness of brigade-based  
 23 combat teams and functional supporting brigades.

24 (2) ELEMENTS.—The training strategy shall in-  
 25 clude the following:

1 (A) A statement of the purpose of training  
2 for brigade-based combat teams and supporting  
3 brigades.

4 (B) Performance goals for both active and  
5 reserve brigade-based combat teams and sup-  
6 porting brigades, including goals for live, vir-  
7 tual, and constructive training for each compo-  
8 nent and brigade type.

9 (C) Metrics to quantify performance  
10 against the performance goals specified under  
11 subparagraph (B).

12 (D) A process to report the accomplish-  
13 ment of collective training by which Army lead-  
14 ership can monitor the training performance of  
15 brigade-based combat teams and functional  
16 supporting brigades.

17 (E) A model to quantify, and to forecast,  
18 operation and maintenance funding required to  
19 attain training goals.

20 (b) REPORT.—

21 (1) REPORT REQUIRED.—Not later than one  
22 year after the date of the enactment of this Act, the  
23 Secretary of the Army shall submit to the congres-  
24 sional defense committees a report on the require-

ments to be fulfilled in order to implement the training strategy developed under subsection (a).

(2) ELEMENTS.—The report shall include the following:

(A) A discussion of the training strategy developed under subsection (a), including a description of performance goals and metrics developed under that subsection.

(B) A discussion and description of the training range requirements necessary to implement the training strategy.

(C) A discussion and description of the training aids, devices, simulations and simulators necessary to implement the training strategy.

(D) A list of the funding requirements, itemized by fiscal year and specified in a format consistent with the future-years defense program to accompany the budget of the President for fiscal year 2007 under section 221 of title 10, United States Code, necessary to fulfill the range requirements described in subparagraph (B) and to provide the training aids, devices, simulations, and simulators described in subparagraphs (C).

1 (E) A schedule for the implementation of  
2 the training strategy.

3 (F) A discussion of the challenges that the  
4 Army anticipates in the implementation of the  
5 training strategy.

6 (c) COMPTROLLER GENERAL REVIEW OF IMPLEMEN-  
7 TATION.—

8 (1) IN GENERAL.—The Comptroller General of  
9 the United States shall monitor the implementation  
10 of the training strategy developed under subsection  
11 (a).

12 (2) REPORT.—Not later than 18 months after  
13 the date of the enactment of this Act, the Comp-  
14 troller General shall submit to the congressional de-  
15 fense committees a report containing the assessment  
16 of the Comptroller General of the current progress  
17 of the Army in implementing the training strategy.

18 **SEC. 328. LIMITATION ON FINANCIAL MANAGEMENT IM-**  
19 **PROVEMENT AND AUDIT INITIATIVES WITHIN**  
20 **THE DEPARTMENT OF DEFENSE.**

21 Amounts authorized to be appropriated to the De-  
22 partment of Defense for fiscal year 2006 may not be obli-  
23 gated or expended for the purposes of financial manage-  
24 ment improvement activities relating to the preparation,  
25 processing, or auditing of financial statements until the

1 Secretary of Defense prepares and submits to the congres-  
2 sional defense committees the following:

3 (1) A comprehensive and integrated financial  
4 management improvement plan that—

5 (A) describes specific actions to be taken  
6 to correct financial management deficiencies  
7 that impair the ability of the Department of  
8 Defense to prepare timely, reliable, and com-  
9 plete financial management information; and

10 (B) systematically ties such actions to  
11 process and control improvements and business  
12 systems modernization efforts described in the  
13 business enterprise architecture and transition  
14 plan required by section 2222 of title 10,  
15 United States Code.

16 (2) A written determination that each of the fi-  
17 nancial management improvement activities to be  
18 undertaken are—

19 (A) consistent with the financial manage-  
20 ment improvement plan submitted pursuant to  
21 paragraph (1); and

22 (B) likely to improve internal controls or  
23 otherwise result in sustained improvements in  
24 the ability of the Department to produce timely,



1           reliable, and complete financial management in-  
2           formation.

3 **SEC. 329. STUDY ON USE OF ETHANOL FUEL.**

4       (a) IN GENERAL.—The Secretary of Defense shall  
5       conduct a study on the use of ethanol fuel by the Armed  
6       Forces and the Defense Agencies.

7       (b) ELEMENTS.—The study shall include—

8           (1) an evaluation of the historical utilization of  
9           ethanol fuel by the Armed Forces and the Defense  
10          Agencies, including the quantity of ethanol fuel ac-  
11          quired by the Department of Defense for the Armed  
12          Forces and the Defense Agencies during the 5-year  
13          period ending on the date of the report under sub-  
14          section (c);

15          (2) a forecast of the requirements of the Armed  
16          Forces and the Defense Agencies for ethanol fuel for  
17          each of fiscal years 2007 through 2012;

18          (3) an assessment of the current and future  
19          commercial availability of ethanol fuel, including fa-  
20          cilities for the production, storage, transportation,  
21          distribution, and commercial sale of such fuel;

22          (4) an assessment of the utilization by the De-  
23          partment of the commercial infrastructure for eth-  
24          anol fuel as described in paragraph (3);

1           (5) a review of the actions of the Department  
2           to coordinate with State, local, and private entities  
3           to support the expansion and use of alternative fuel  
4           refueling stations that are accessible to the public;  
5           and

6           (6) an assessment of the fueling infrastructure  
7           on military installations in the United States, includ-  
8           ing storage and distribution facilities, that could be  
9           adapted or converted to the delivery of ethanol fuel,  
10          including—

11                   (A) an assessment of cost of the adapta-  
12                   tion or conversion of such infrastructure to the  
13                   delivery of ethanol fuel; and

14                   (B) an assessment of the feasibility and  
15                   advisability of that adaptation or conversion.

16          (c) REPORT.—Not later than February 1, 2006, the  
17          Secretary shall submit to the congressional defense com-  
18          mittees a report on the study conducted under subsection  
19          (a).

20          (d) ETHANOL FUEL DEFINED.—In this section, the  
21          term “ethanol fuel” means fuel that is 85 percent ethyl  
22          alcohol.

1                   **TITLE IV—MILITARY**  
2           **PERSONNEL AUTHORIZATIONS**  
3                   **Subtitle A—Active Forces**

4   **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

5           The Armed Forces are authorized strengths for active  
6   duty personnel as of September 30, 2006, as follows:

7                   (1) The Army, 522,400.

8                   (2) The Navy, 352,700.

9                   (3) The Marine Corps, 178,000.

10                  (4) The Air Force, 357,400.

11   **SEC. 402. REVISION OF PERMANENT ACTIVE DUTY END**  
12                   **STRENGTH MINIMUM LEVELS.**

13           (a) REVISION.—Section 691(b) of title 10, United  
14   States Code, is amended by striking paragraphs (1)  
15   through (4) and inserting the following:

16                   “(1) For the Army, 522,400.

17                   “(2) For the Navy, 352,700.

18                   “(3) For the Marine Corps, 178,000.

19                   “(4) For the Air Force, 357,400.”.

20           (b) EFFECTIVE DATE.—The amendment made by  
21   subsection (a) shall take effect on October 1, 2005, and  
22   shall apply with respect to fiscal years beginning on or  
23   after that date.

## **Subtitle B—Reserve Forces**

### **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2006, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 73,100.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,800.

(6) The Air Force Reserve, 74,000.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory partici-

1       pation in training) without their consent at the end  
2       of the fiscal year.

3 Whenever such units or such individual members are re-  
4 leased from active duty during any fiscal year, the end  
5 strength prescribed for such fiscal year for the Selected  
6 Reserve of such reserve component shall be proportion-  
7 ately increased by the total authorized strengths of such  
8 units and by the total number of such individual members.

9 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
10 **DUTY IN SUPPORT OF THE RESERVES.**

11 Within the end strengths prescribed in section  
12 411(a), the reserve components of the Armed Forces are  
13 authorized, as of September 30, 2006, the following num-  
14 ber of Reserves to be serving on full-time active duty or  
15 full-time duty, in the case of members of the National  
16 Guard, for the purpose of organizing, administering, re-  
17 cruiting, instructing, or training the reserve components:

18           (1) The Army National Guard of the United  
19 States, 27,396.

20           (2) The Army Reserve, 15,270.

21           (3) The Naval Reserve, 13,392.

22           (4) The Marine Corps Reserve, 2,261.

23           (5) The Air National Guard of the United  
24 States, 13,123.

25           (6) The Air Force Reserve, 2,290.

1 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
2 **(DUAL STATUS).**

3 The minimum number of military technicians (dual  
4 status) as of the last day of fiscal year 2006 for the re-  
5 serve components of the Army and the Air Force (notwith-  
6 standing section 129 of title 10, United States Code) shall  
7 be the following:

8 (1) For the Army Reserve, 7,649.

9 (2) For the Army National Guard of the United  
10 States, 25,563.

11 (3) For the Air Force Reserve, 9,852

12 (4) For the Air National Guard of the United  
13 States, 22,971.

14 **SEC. 414. FISCAL YEAR 2006 LIMITATIONS ON NON-DUAL**  
15 **STATUS TECHNICIANS.**

16 (a) LIMITATIONS.—(1) Within the limitation pro-  
17 vided in section 10217(c)(2) of title 10, United States  
18 Code, the number of non-dual status technicians employed  
19 by the National Guard as of September 30, 2006, may  
20 not exceed the following:

21 (A) For the Army National Guard of the  
22 United States, 1,600.

23 (B) For the Air National Guard of the United  
24 States, 350.

1       (2) The number of non-dual status technicians em-  
 2 ployed by the Army Reserve as of September 30, 2006,  
 3 may not exceed 695.

4       (3) The number of non-dual status technicians em-  
 5 ployed by the Air Force Reserve as of September 30,  
 6 2006, may not exceed 90.

7       (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In  
 8 this section, the term “non-dual status technician” has the  
 9 meaning given the term in section 10217(a) of title 10,  
 10 United States Code.

## 11           **Subtitle C—Authorizations of** 12                   **Appropriations**

### 13   **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-** 14                   **TARY PERSONNEL.**

15       There is hereby authorized to be appropriated to the  
 16 Department of Defense for military personnel for fiscal  
 17 year 2006 a total of \$109,179,601,000. The authorization  
 18 in the preceding sentence supersedes any other authoriza-  
 19 tion of appropriations (definite or indefinite) for such pur-  
 20 pose for fiscal year 2006.

### 21   **SEC. 422. ARMED FORCES RETIREMENT HOME.**

22       There is hereby authorized to be appropriated for fis-  
 23 cal year 2006 from the Armed Forces Retirement Home  
 24 Trust Fund the sum of \$58,281,000 for the operation of  
 25 the Armed Forces Retirement Home.

1 **TITLE V—MILITARY PERSONNEL**  
 2 **POLICY**  
 3 **Subtitle A—Officer Personnel**  
 4 **Policy**

5 **SEC. 501. EXCLUSION OF GENERAL AND FLAG OFFICERS**  
 6 **ON LEAVE PENDING SEPARATION OR RE-**  
 7 **TIREMENT FROM COMPUTATION OF ACTIVE**  
 8 **DUTY OFFICERS FOR GENERAL AND FLAG**  
 9 **OFFICER DISTRIBUTION AND STRENGTH LIM-**  
 10 **ITATIONS.**

11 (a) DISTRIBUTION LIMITATIONS.—Section 525 of  
 12 title 10, United States Code, is amended by adding at the  
 13 end the following new subsection:

14 “(e) In determining the total number of general offi-  
 15 cers or flag officers of an armed force on active duty for  
 16 purposes of this section, an officer of that armed force  
 17 in the grade of brigadier general or above, or an officer  
 18 in the grade of rear admiral (lower half) or above in the  
 19 Navy, who is on leave pending the separation, retirement,  
 20 or release of such officer from active duty shall not be  
 21 counted, but only during the 60-day period beginning on  
 22 the date of the commencement of leave of such officer.”.

23 (b) ACTIVE DUTY STRENGTH LIMITATIONS.—



1           (1) IN GENERAL.—Section 526 of such title is  
 2           amended by adding at the end the following new  
 3           subsection:

4           “(e) EXCLUSION OF CERTAIN OFFICERS ON LEAVE  
 5 PENDING SEPARATION OR RETIREMENT.—The limita-  
 6 tions of this section do not apply to general or flag officers  
 7 on leave pending separation, retirement, or release from  
 8 active duty as described in section 525(e) of this title.”.

9           (2) CONFORMING AMENDMENT.—The heading  
 10          of subsection (d) of such section is amended by  
 11          striking “CERTAIN OFFICERS” and inserting “CER-  
 12          TAIN RESERVE OFFICERS ON ACTIVE DUTY”.

13 **SEC. 502. EXPANSION OF JOINT DUTY ASSIGNMENTS FOR**  
 14 **RESERVE COMPONENT GENERAL AND FLAG**  
 15 **OFFICERS.**

16          (a) INCREASE IN AUTHORIZED NUMBER.—Section  
 17 526(b)(2)(A) of title 10, United States Code, is amended  
 18 by striking “10” and inserting “11”.

19          (b) ASSIGNMENT TO JOINT STAFF.—Such section is  
 20 further amended by inserting “, and on the Joint Staff,”  
 21 after “commands”.

1 **SEC. 503. DEADLINE FOR RECEIPT BY PROMOTION SELEC-**  
 2 **TION BOARDS OF CORRESPONDENCE FROM**  
 3 **ELIGIBLE OFFICERS.**

4 (a) OFFICERS ON ACTIVE DUTY LIST.—Section  
 5 614(b) of title 10, United States Code, is amended by in-  
 6 serting “the date before” after “not later than”.

7 (b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—  
 8 Section 14106 of such title is amended by inserting “the  
 9 date before” after “not later than”.

10 (c) EFFECTIVE DATE.—The amendments made by  
 11 this section shall take effect on March 1, 2006, and shall  
 12 apply with respect to selection boards convened on or after  
 13 that date.

14 **SEC. 504. FURNISHING TO PROMOTION SELECTION BOARDS**  
 15 **OF ADVERSE INFORMATION ON OFFICERS EL-**  
 16 **IGIBLE FOR PROMOTION TO CERTAIN SEN-**  
 17 **IOR GRADES.**

18 (a) OFFICERS ON ACTIVE-DUTY LIST.—

19 (1) IN GENERAL.—Section 615(a) of title 10,  
 20 United States Code, is amended—

21 (A) by redesignating paragraphs (3), (4),  
 22 (5), and (6) as paragraphs (4), (5), (6), and  
 23 (7), respectively; and

24 (B) by inserting after paragraph (2) the  
 25 following new paragraph (3):

1       “(3) In the case of an eligible officer considered for  
 2 promotion to the grade of lieutenant colonel, or com-  
 3 mander in the case of the Navy, or above, any information  
 4 of an adverse nature, including any substantiated adverse  
 5 finding or conclusion from an officially documented inves-  
 6 tigation or inquiry, shall be furnished to the selection  
 7 board in accordance with standards and procedures set out  
 8 in the regulations prescribed by the Secretary of Defense  
 9 pursuant to paragraph (1).”.

10           (2) CONFORMING AMENDMENTS.—Such section  
 11 is further amended—

12           (A) in paragraph (4), as redesignated by  
 13 paragraph (1)(A) of this subsection, by striking  
 14 “paragraph (2)” and inserting “paragraphs (2)  
 15 and (3)”;

16           (B) in paragraph (5), as so redesignated,  
 17 by striking “and (3)” and inserting “, (3), and  
 18 (4)”;

19           (C) in paragraph (6), as so redesignated—

20           (i) in the matter preceding subpara-  
 21 graph (A), by inserting “, or in paragraph  
 22 (3),” after “paragraph (2)”;

23           (ii) in subparagraph (B), by inserting  
 24 “or (3), as applicable” after “paragraph  
 25 (2)”;

1 (D) in subparagraph (A) of paragraph (7),  
2 as so redesignated, by inserting “or (3)” after  
3 “paragraph (2)(B)”.

4 (b) RESERVE OFFICERS.—

5 (1) IN GENERAL.—Section 14107(a) of title 10,  
6 United States Code, is amended—

7 (A) by redesignating paragraphs (3), (4),  
8 (5), and (6) as paragraphs (4), (5), (6), and  
9 (7), respectively; and

10 (B) by inserting after paragraph (2) the  
11 following new paragraph (3):

12 “(3) In the case of an eligible officer considered for  
13 promotion to the grade of lieutenant colonel, or com-  
14 mander in the case of the Navy, or above, any information  
15 of an adverse nature, including any substantiated adverse  
16 finding or conclusion from an officially documented inves-  
17 tigation or inquiry, shall be furnished to the selection  
18 board in accordance with standards and procedures set out  
19 in the regulations prescribed by the Secretary of Defense  
20 pursuant to paragraph (1).”.

21 (2) CONFORMING AMENDMENTS.—Such section  
22 is further amended—

23 (A) in paragraph (4), as redesignated by  
24 paragraph (1)(A) of this subsection, by striking

1 “paragraph (2)” and inserting “paragraphs (2)  
2 and (3)”;

3 (B) in paragraph (5), as so redesignated,  
4 by striking “and (3)” and inserting “, (3), and  
5 (4)”;

6 (C) in paragraph (6), as so redesignated—

7 (i) in the matter preceding subpara-  
8 graph (A), by inserting “, or in paragraph  
9 (3),” after “paragraph (2)”; and

10 (ii) in subparagraph (B), by inserting  
11 “or (3), as applicable” after “paragraph  
12 (2)”; and

13 (D) in subparagraph (A) of paragraph (7),  
14 as so redesignated, by inserting “or (3)” after  
15 “paragraph (2)(B)”.

16 (c) EFFECTIVE DATE.—The amendments made by  
17 this section shall take effect on October 1, 2006, and shall  
18 apply with respect to promotion selection boards convened  
19 on or after that date.

20 **SEC. 505. GRADES OF THE JUDGE ADVOCATES GENERAL.**

21 (a) JUDGE ADVOCATE GENERAL OF THE ARMY.—  
22 Section 3037(a) of title 10, United States Code, is amend-  
23 ed by striking the last sentence and inserting the following  
24 new sentence: “The Judge Advocate General, while so  
25 serving, has the grade of lieutenant general.”.

1 (b) JUDGE ADVOCATE GENERAL OF THE NAVY.—

2 Section 5148(b) of such title is amended by striking the  
3 last sentence and inserting the following new sentence:  
4 “The Judge Advocate General, while so serving, has the  
5 grade of vice admiral or lieutenant general, as appro-  
6 priate.”.

7 (c) JUDGE ADVOCATE GENERAL OF THE AIR  
8 FORCE.—Section 8037(a) of such title is amended by  
9 striking the last sentence and inserting the following new  
10 sentence: “The Judge Advocate General, while so serving,  
11 has the grade of lieutenant general.”.

12 (d) EXCLUSION FROM LIMITATION ON GENERAL  
13 AND FLAG OFFICER DISTRIBUTION.—Section 525(b) of  
14 such title is amended by adding at the end the following  
15 new paragraph:

16 “(9) An officer while serving as the Judge Advocate  
17 General of the Army, the Judge Advocate General of the  
18 Navy, or the Judge Advocate General of the Air Force  
19 is in addition to the number that would otherwise be per-  
20 mitted for that officer’s armed force for officers serving  
21 on active duty in grades above major general or rear admi-  
22 ral under paragraph (1) or (2), as the case may be.”.

1 **SEC. 506. TEMPORARY EXTENSION OF AUTHORITY TO RE-**  
 2 **DUCE MINIMUM LENGTH OF COMMISSIONED**  
 3 **SERVICE FOR VOLUNTARY RETIREMENT AS**  
 4 **AN OFFICER.**

5 (a) ARMY.—Section 3911(b) of title 10, United  
 6 States Code, is amended—

7 (1) by inserting “(1)” after “(b)”;

8 (2) in paragraph (1), as so designated, by strik-  
 9 ing “, during the period beginning on October 1,  
 10 1990, and ending on December 31, 2001,”; and

11 (3) by adding at the end the following new  
 12 paragraph:

13 “(2) The authority in paragraph (1) may be exercised  
 14 during the period beginning on the date of the enactment  
 15 of the National Defense Authorization Act for Fiscal Year  
 16 2006 and ending on December 31, 2008.”.

17 (b) NAVY AND MARINE CORPS.—Section 6323(a)(2)  
 18 of such title is amended—

19 (1) by inserting “(A)” after “(2)”;

20 (2) in subparagraph (A), as so designated, by  
 21 striking “, during the period beginning on October  
 22 1, 1990, and ending on December 31, 2001,”; and

23 (3) by adding at the end the following new sub-  
 24 paragraph:

25 “(B) The authority in subparagraph (A) may be exer-  
 26 cised during the period beginning on the date of the enact-

1 ment of the National Defense Authorization Act for Fiscal  
2 Year 2006 and ending on December 31, 2008.”.

3 (c) AIR FORCE.—Section 8911(b) of such title is  
4 amended—

5 (1) by inserting “(1)” after “(b)”;

6 (2) in paragraph (1), as so designated, by strik-  
7 ing “, during the period beginning on October 1,  
8 1990, and ending on December 31, 2001,”; and

9 (3) by adding at the end the following new  
10 paragraph:

11 “(2) The authority in paragraph (1) may be exercised  
12 during the period beginning on the date of the enactment  
13 of the National Defense Authorization Act for Fiscal Year  
14 2006 and ending on December 31, 2008.”.

15 **SEC. 507. MODIFICATION OF STRENGTH IN GRADE LIMITA-**  
16 **TIONS APPLICABLE TO RESERVE FLAG OFFI-**  
17 **CERS IN ACTIVE STATUS.**

18 (a) LINE OFFICERS.—Paragraph (1) of section  
19 12004(c) of title 10, United States Code, is amended in  
20 the item in the table relating to Line officers by striking  
21 “28” and inserting “33”.

22 (b) MEDICAL DEPARTMENT STAFF CORPS OFFI-  
23 CERS.—Such paragraph is further amended in the item  
24 in the table relating to the Medical Department staff corps  
25 officers by striking “9” and inserting “5”.



1 (c) SUPPLY CORPS OFFICERS.—Paragraph (2)(A) of  
 2 such section is amended by striking “seven” and inserting  
 3 “six”.

4 (d) CONFORMING AMENDMENT.—Paragraph (1) of  
 5 such section is further amended in the matter preceding  
 6 the table by striking “39” and inserting “40”.

7 **SEC. 508. UNIFORM AUTHORITY FOR DEFERMENT OF SEPA-**  
 8 **RATION OF RESERVE GENERAL AND FLAG**  
 9 **OFFICERS FOR AGE.**

10 (a) IN GENERAL.—Section 14512 of title 10, United  
 11 States Code, is amended to read as follows:

12 **“§ 14512. Separation at age 64**

13 “(a) IN GENERAL.—The Secretary of the military de-  
 14 partment concerned may, subject to subsection (b), defer  
 15 the retirement under section 14510 or 14511 of this title  
 16 of a reserve officer of the Army, Air Force, or Marine  
 17 Corps in a grade above colonel, or a reserve officer of the  
 18 Navy in a grade above captain, and retain such officer  
 19 in active status until such officer becomes 64 years of age.

20 “(b) LIMITATION ON NUMBER OF DEFERMENTS.—  
 21 (1) Not more than 10 officers may be deferred by the Sec-  
 22 retary of a military department under subsection (a) at  
 23 any one time.

1 “(2) Deferments by the Secretary of the Navy may  
2 be distributed between the Naval Reserve and the Marine  
3 Corps Reserve as the Secretary determines appropriate.”.

4 (b) CLERICAL AMENDMENT.—The table of sections  
5 at the beginning of chapter 1407 of such title is amended  
6 by striking the item relating to section 14512 and insert-  
7 ing the following new item:

“14512. Separation at age 64.”.

## 8 **Subtitle B—Enlisted Personnel** 9 **Policy**

### 10 **SEC. 521. UNIFORM CITIZENSHIP OR RESIDENCY REQUIRE-** 11 **MENTS FOR ENLISTMENT IN THE ARMED** 12 **FORCES.**

13 (a) UNIFORM REQUIREMENTS.—Section 504 of title  
14 10, United States Code, is amended—

15 (1) by inserting “(a) INSANITY, DESERTION,  
16 FELONS, ETC.—” before “No person”; and

17 (2) by adding at the end the following new sub-  
18 section:

19 “(b) CITIZENSHIP OR RESIDENCY.—(1) No person  
20 may be enlisted in any armed force unless such person  
21 is a citizen or national of the United States, a habitual  
22 resident of the Federal States of Micronesia, the Republic  
23 of Palau, or the Republic of the Marshall Islands, or has  
24 been lawfully admitted to the United States for permanent

1 residence under the applicable provisions of the Immigra-  
 2 tion and Nationality Act (8 U.S.C. 1101 et seq.).

3 “(2) The Secretary concerned may waive the applica-  
 4 bility of paragraph (1) to a person if such Secretary deter-  
 5 mines that the enlistment of such person is vital to the  
 6 national interest.”.

7 (b) REPEAL OF SUPERSEDED LIMITATIONS FOR THE  
 8 ARMY AND AIR FORCE.—Sections 3253 and 8253 of such  
 9 title are repealed.

10 (c) CLERICAL AMENDMENTS.—

11 (1) The table of sections at the beginning of  
 12 chapter 333 of such title is amended by striking the  
 13 item relating to section 3253.

14 (2) The table of sections at the beginning of  
 15 chapter 833 of such title is amended by striking the  
 16 item relating to section 8253.

## 17 **Subtitle C—Reserve Component** 18 **Personnel Matters**

19 **SEC. 531. REQUIREMENTS FOR PHYSICAL EXAMINATIONS**  
 20 **AND MEDICAL AND DENTAL READINESS FOR**  
 21 **MEMBERS OF THE SELECTED RESERVE NOT**  
 22 **ON ACTIVE DUTY.**

23 (a) IN GENERAL.—Subsection (a) of section 10206  
 24 of title 10, United States Code, is amended—

1           (1) in paragraph (1), by striking “examined”  
 2           and all that follows through the semicolon and in-  
 3           serting “provided a comprehensive physical examina-  
 4           tion on an annual basis;”; and

5           (2) in paragraph (2), by striking “annually to  
 6           the Secretary concerned” and all that follows and in-  
 7           serting “to the Secretary concerned on an annual  
 8           basis documentation of the medical and dental readi-  
 9           ness of the member to perform military duties.”.

10          (b) CONFORMING AMENDMENT.—The heading of  
 11 such section is amended by striking “**periodic**”.

12          (c) CLERICAL AMENDMENT.—The table of sections  
 13 at the beginning of chapter 1007 of such title is amended  
 14 by striking “periodic”.

15 **SEC. 532. REPEAL OF LIMITATION ON AMOUNT OF FINAN-**  
 16 **CIAL ASSISTANCE UNDER RESERVE OFFI-**  
 17 **CERS’ TRAINING CORPS SCHOLARSHIP PRO-**  
 18 **GRAM.**

19          (a) IN GENERAL.—Section 2107(c) of title 10,  
 20 United States Code, is amended—

21           (1) by striking paragraph (4);

22           (2) by redesignating paragraph (5) as para-  
 23 graph (4); and

1           (3) in subparagraph (B) of paragraph (4), as so  
2       redesignated, by striking “, (3), or (4)” and insert-  
3       ing “or (3)”.

4       (b) ARMY RESERVE AND ARMY NATIONAL GUARD  
5 MEMBERS.—Section 2107a(c) of such title is amended—

6           (1) by striking paragraph (3); and

7           (2) by redesignating paragraph (4) as para-  
8       graph (3).

9       (c) CONFORMING AMENDMENT.—Section 524(c) of  
10 the Ronald W. Reagan National Defense Authorization  
11 Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat.  
12 1889) is amended by striking “paragraph (5)” and all that  
13 follows through “subsection (b)” and inserting “para-  
14 graph (4) of section 2107(c) of title 10, United States  
15 Code (as added by subsection (a) of this section and redes-  
16 ignated by section 532(a)(2) of the National Defense Au-  
17 thorization Act for Fiscal Year 2006), and under para-  
18 graph (3) of section 2107a(c) of title 10, United States  
19 Code (as added by subsection (b) of this section and redes-  
20 ignated by section 532(b)(2) of such Act)”.

1 **SEC. 533. PROCEDURES FOR SUSPENDING FINANCIAL AS-**  
2 **SISTANCE AND SUBSISTENCE ALLOWANCE**  
3 **FOR SENIOR ROTC CADETS AND MID-**  
4 **SHIPMEN ON THE BASIS OF HEALTH-RE-**  
5 **LATED CONDITIONS.**

6 (a) REQUIREMENTS.—Section 2107 of title 10,  
7 United States Code, is amended by adding at the end the  
8 following new subsection:

9 “(j)(1) Payment of financial assistance under this  
10 section for, and payment of a monthly subsistence allow-  
11 ance under section 209 of title 37 to, a cadet or mid-  
12 shipman appointed under this section may be suspended  
13 on the basis of health-related incapacity of the cadet or  
14 midshipman only in accordance with regulations pre-  
15 scribed under paragraph (2).

16 “(2) The Secretary of Defense shall prescribe in regu-  
17 lations the policies and procedures for suspending pay-  
18 ments under paragraph (1). The regulations shall apply  
19 uniformly to all of the military departments. The regula-  
20 tions shall include the following matters:

21 “(A) The standards of health-related fitness  
22 that are to be applied.

23 “(B) Requirements for—

24 “(i) the health-related condition and prog-  
25 nosis of a cadet or midshipman to be deter-  
26 mined, in relation to the applicable standards

1           prescribed under subparagraph (A), by a health  
2           care professional on the basis of a medical ex-  
3           amination of the cadet or midshipman; and

4           “(ii) the Secretary concerned to take into  
5           consideration the determinations made under  
6           clause (i) with respect to such condition in de-  
7           ciding whether to suspend payment in the case  
8           of such cadet or midshipman on the basis of  
9           that condition.

10          “(C) A requirement for the Secretary concerned  
11          to transmit to a cadet or midshipman proposed for  
12          suspension under this subsection a notification of  
13          the proposed suspension together with the deter-  
14          minations made under subparagraph (B)(i) in the  
15          case of the proposed suspension.

16          “(D) A procedure for a cadet or midshipman  
17          proposed for suspension under this subsection to  
18          submit a written response to the proposal for sus-  
19          pension, including any supporting information.

20          “(E) Requirements for—

21               “(i) one or more health-care professionals  
22               to review, in the case of such a response of a  
23               cadet or midshipman, each health-related condi-  
24               tion and prognosis addressed in the response,

1 taking into consideration the matters submitted  
 2 in such response; and

3 “(ii) the Secretary concerned to take into  
 4 consideration the determinations made under  
 5 clause (i) with respect to such condition in  
 6 making a final decision regarding whether to  
 7 suspend payment in the case of such cadet or  
 8 midshipman on the basis of that condition, and  
 9 the conditions under which such suspension  
 10 may be lifted.”.

11 (b) TIME FOR PROMULGATION OF REGULATIONS.—  
 12 The Secretary of Defense shall prescribe the regulations  
 13 required under subsection (j) of section 2107 of title 10,  
 14 United States Code (as added by subsection (a)), not later  
 15 than May 1, 2006.

16 **SEC. 534. INCREASE IN MAXIMUM NUMBER OF ARMY RE-**  
 17 **SERVE AND ARMY NATIONAL GUARD CADETS**  
 18 **UNDER RESERVE OFFICERS’ TRAINING**  
 19 **CORPS.**

20 Section 2107a(h) of title 10, United States Code, is  
 21 amended by striking “208 cadets” and inserting “416 ca-  
 22 dets”.



1 **SEC. 535. MODIFICATION OF EDUCATIONAL ASSISTANCE**  
 2 **FOR RESERVES SUPPORTING CONTINGENCY**  
 3 **AND OTHER OPERATIONS.**

4 (a) OFFICIAL RECEIVING ELECTIONS OF BENE-  
 5 FITS.—Section 16163(e) of title 10, United States Code,  
 6 is amended by striking “Secretary concerned” and insert-  
 7 ing “Secretary of Veterans Affairs”.

8 (b) EXCEPTION TO IMMEDIATE TERMINATION OF AS-  
 9 SISTANCE.—Section 16165 of such title is amended—

10 (1) by striking “Educational assistance” and  
 11 inserting “(a) IN GENERAL.—Except as provided in  
 12 subsection (b), educational assistance”; and

13 (2) by adding at the end the following new sub-  
 14 section:

15 “(b) EXCEPTION.—Under regulations prescribed by  
 16 the Secretary of Defense, educational assistance may be  
 17 provided under this chapter to a member of the Selected  
 18 Reserve of the Ready Reserve who incurs a break in serv-  
 19 ice in the Selected Reserve of not more than 90 days if  
 20 the member continues to serve in the Ready Reserve dur-  
 21 ing and after such break in service.”.

22 **SEC. 536. REPEAL OF LIMITATION ON AUTHORITY TO RE-**  
 23 **DESIGNATE THE NAVAL RESERVE AS THE**  
 24 **NAVY RESERVE.**

25 Section 517(a) of the Ronald W. Reagan National  
 26 Defense Authorization Act for Fiscal Year 2005 (Public

1 Law 108–375; 118 Stat. 1884; 10 U.S.C. 10101 note) is  
 2 amended by striking “, which date” and all that follows  
 3 through the end and inserting a period.

4 **SEC. 537. PERFORMANCE BY RESERVE COMPONENT PER-**  
 5 **SONNEL OF OPERATIONAL TEST AND EVAL-**  
 6 **UATION AND TRAINING RELATING TO NEW**  
 7 **EQUIPMENT.**

8 (a) PILOT PROGRAM.—The Secretary of the Army  
 9 shall carry out a pilot program to evaluate the feasibility  
 10 and advisability of—

11 (1) utilizing members of the reserve components  
 12 of the Army, rather than contractor personnel, to  
 13 perform test, evaluation, new equipment training,  
 14 and related activities for one or more acquisition  
 15 programs selected by the Secretary for purposes of  
 16 the pilot program; and

17 (2) utilizing funds otherwise available for multi-  
 18 year purposes for such activities in appropriations  
 19 for research, development, test, and evaluation, and  
 20 for procurement, in order to reimburse appropria-  
 21 tions for personnel for the costs of pay, allowances,  
 22 and expenses of such members in the performance of  
 23 such activities.

24 (b) NONWAIVER OF PERSONNEL AND TRAINING  
 25 POLICIES AND PROCEDURES.—Nothing in this section

1 may be construed to authorize any deviation from estab-  
2 lished personnel or training policies or procedures that are  
3 applicable to the reserve components of the personnel used  
4 under the pilot program.

5 (c) REIMBURSEMENT AUTHORITY.—

6 (1) IN GENERAL.—Subject to paragraph (2),  
7 the Secretary may transfer from appropriations for  
8 research, development, test, and evaluation, or for  
9 procurement, for an acquisition program under the  
10 pilot program under subsection (a) to appropriations  
11 for reserve component personnel of the Army  
12 amounts necessary to reimburse appropriations for  
13 reserve component personnel of the Army for pay,  
14 allowances, and expenses of reserve component per-  
15 sonnel of the Army in performing activities under  
16 the pilot program.

17 (2) LIMITATION.—The amount that may be  
18 transferred under paragraph (1) in any fiscal year  
19 may not exceed \$10,000,000.

20 (3) MERGER OF FUNDS.—Amounts transferred  
21 to an account under paragraph (1) shall be merged  
22 with other amounts in such account, and shall be  
23 available for the same period, and subject to the  
24 same limitations, as the amounts with which  
25 merged.

1           (4) RELATIONSHIP TO OTHER TRANSFER AU-  
2           THORITY.—The authority to transfer funds under  
3           paragraph (1) is in addition to any other authority  
4           to transfer funds under law.

5           (d) TERMINATION.—The authority to carry out the  
6           pilot program under subsection (a) shall expire on Sep-  
7           tember 30, 2010.

8           (e) REPORT.—Not later than March 1, 2010, the  
9           Secretary of the Army shall, in consultation with the Sec-  
10          retary of Defense, submit to the congressional defense  
11          committees a report on the pilot program under subsection  
12          (a). The report shall include—

13                (1) a comprehensive description of the pilot pro-  
14                gram, including the acquisition programs covered by  
15                the pilot program and the activities performed by  
16                members of the reserve components of the Army  
17                under the pilot program;

18                (2) an assessment of the benefits, including cost  
19                savings and other benefits, of the performance of ac-  
20                tivities under the pilot program by members of the  
21                reserve components of the Army rather than by con-  
22                tractor personnel; and

23                (3) any recommendations for legislative or ad-  
24                ministrative action that the Secretary considers ap-  
25                propriate in light of the pilot program.

## **Subtitle D—Military Justice and Related Matters**

### **SEC. 551. MODIFICATION OF PERIODS OF PROSECUTION BY COURTS-MARTIAL FOR MURDER, RAPE, AND CHILD ABUSE.**

#### (a) UNLIMITED PERIOD FOR MURDER AND RAPE.—

Subsection (a) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended by striking “or with any offense” and inserting “with murder or rape, or with any other offense”.

#### (b) EXTENDED PERIOD FOR CHILD ABUSE.—Sub- section (b)(2) of such section (article) is amended—

(1) in subparagraph (A), by striking “before the child attains the age of 25 years” and all that follows through the period and inserting “by an officer exercising summary court-martial jurisdiction with respect to that person during the life of the victim or the date that is five years after the date of the offense, whichever is the later date.”;

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking “sexual or physical”; and

(B) in clause (v), by striking “Indecent assault,” and inserting “Kidnapping, indecent assault,”; and

1           (3) by adding at the end the following new sub-  
2       paragraph:

3       “(C) In subparagraph (A), the term ‘child abuse of-  
4       fense’ also includes an act that involves abuse of a person  
5       who has not attained the age of 18 years and would con-  
6       stitute an offense under chapter 110 or 117 or section  
7       1591 of title 18.”.

8       **SEC. 552. ESTABLISHMENT OF OFFENSE OF STALKING.**

9       (a) ESTABLISHMENT OF OFFENSE.—Subchapter X  
10      of chapter 47 of title 10, United States Code (the Uniform  
11      Code of Military Justice), is amended by inserting after  
12      section 893 (article 93) the following new section (article):

13     **“§ 893a. Art. 93a. Stalking**

14       “(a) Any person subject to this chapter—

15           “(1) who wrongfully engages in a course of con-  
16       duct directed at a specific person that would cause  
17       a reasonable person to fear death or bodily harm, in-  
18       cluding sexual assault, to himself or herself or a  
19       member of his or her immediate family;

20           “(2) who has knowledge, or should have knowl-  
21       edge, that the specific person will be placed in rea-  
22       sonable fear of death or bodily harm, including sex-  
23       ual assault, to himself or herself or a member of his  
24       or her immediate family; and

1           “(3) whose acts induce reasonable fear in the  
2           specific person of death or bodily harm, including  
3           sexual assault, to himself or herself or to a member  
4           of his or her immediate family,  
5 is guilty of stalking and shall be punished as a court-mar-  
6 tial may direct.

7           “(b) For purposes of this section:

8           “(1) The term ‘course of conduct’ means—

9                   “(A) a repeated maintenance of visual or  
10                  physical proximity to a specific person; or

11                  “(B) a repeated conveyance of verbal  
12                  threat, written threats, or threats implied by  
13                  conduct, or a combination of such threats, di-  
14                  rected at or toward a specific person.

15           “(2) The term ‘repeated’, with respect to con-  
16           duct, means two or more occasions of such conduct.

17           “(3) The term ‘immediate family’, in the case  
18           of a specific person, means a spouse, parent, child,  
19           or sibling of the person, or any other family member  
20           or relative of the person who regularly resides in the  
21           household of the person or who within the six  
22           months preceding the commencement of the course  
23           of conduct regularly resided in the household of the  
24           person.”.

1 (b) CLERICAL AMENDMENT.—The table of sections at  
 2 the beginning of subchapter X of such chapter is amended  
 3 by inserting after the item relating to section 893 (article  
 4 93) the following new item:

“893a. Art. 93a. Stalking.”.

5 **SEC. 553. CLARIFICATION OF AUTHORITY OF MILITARY**  
 6 **LEGAL ASSISTANCE COUNSEL.**

7 Section 1044 of title 10, United States Code, is  
 8 amended—

9 (1) by redesignating subsection (d) as sub-  
 10 section (e); and

11 (2) by inserting after subsection (c) the fol-  
 12 lowing new subsection (d):

13 “(d)(1) Notwithstanding any law regarding the licen-  
 14 sure of attorneys, a judge advocate or civilian attorney  
 15 who is authorized to provide military legal assistance is  
 16 authorized to provide that assistance in any jurisdiction,  
 17 subject to such regulations as may be prescribed by the  
 18 Secretary concerned.

19 “(2) In this subsection, the term ‘military legal as-  
 20 sistance’ includes—

21 “(A) legal assistance provided under this sec-  
 22 tion; and

23 “(B) legal assistance contemplated by sections  
 24 1044a, 1044b, 1044c, and 1044d of this title.”.



1 **SEC. 554. ADMINISTRATIVE CENSURES OF MEMBERS OF**  
2 **THE ARMED FORCES.**

3 (a) **AUTHORITY TO ISSUE ADMINISTRATIVE CEN-**  
4 **SURES.—**

5 (1) **AUTHORITY OF SECRETARY OF DEFENSE.—**

6 The Secretary of Defense may issue, in writing, an  
7 administrative censure to any member of the Armed  
8 Forces.

9 (2) **AUTHORITY OF SECRETARIES OF MILITARY**  
10 **DEPARTMENTS.—**The Secretary of a military depart-  
11 ment may issue, in writing, an administrative cen-  
12 sure to any member of the Armed Forces under the  
13 jurisdiction of such Secretary.

14 (3) **REGULATIONS.—**Administrative censures  
15 shall be issued under this section pursuant to regu-  
16 lations prescribed by the Secretary of Defense. The  
17 regulations shall apply uniformly throughout the  
18 military departments.

19 (b) **ADMINISTRATIVE CENSURE.—**For purposes of  
20 this section, an administrative censure is a statement of  
21 adverse opinion or criticism with respect to the conduct  
22 or performance of duty of a member of the Armed Forces.

23 (c) **FINALITY.—**An administrative censure issued  
24 under this section is final and may not be appealed by  
25 the member of the Armed Forces concerned.

1 (d) CONSTRUCTION.—The authority under this sec-  
 2 tion to issue administrative censures with respect to the  
 3 conduct or performance of duty of a member of the Armed  
 4 Forces is in addition to the authority to impose non-judi-  
 5 cial punishment with respect to such conduct or perform-  
 6 ance of duty under section 815 of title 10, United States  
 7 Code (article 15 of the Uniform Code of Military Justice).

8 **SEC. 555. REPORTS BY OFFICERS AND SENIOR ENLISTED**  
 9 **PERSONNEL OF MATTERS RELATING TO VIO-**  
 10 **LATIONS OR ALLEGED VIOLATIONS OF**  
 11 **CRIMINAL LAW.**

12 (a) REQUIREMENT FOR REPORTS.—

13 (1) IN GENERAL.—The Secretary of Defense  
 14 shall prescribe in regulations a requirement that  
 15 each covered member of the Armed Forces, whether  
 16 on the active-duty list or on the reserve active-status  
 17 list, shall submit to an authority in the military de-  
 18 partment concerned designated pursuant to such  
 19 regulations a timely report on any investigation, ar-  
 20 rest, charge, detention, adjudication, or conviction of  
 21 such member by any law enforcement authority of  
 22 the United States for a violation of a criminal law  
 23 of the United States, whether or not such member  
 24 is on active duty at the time of the conduct that pro-  
 25 vides the basis of such investigation, arrest, charge,

1 detention, adjudication, or conviction. The regula-  
 2 tions shall apply uniformly throughout the military  
 3 departments.

4 (2) COVERED MEMBERS.—In this section, the  
 5 term “covered member of the Armed Forces” means  
 6 the following:

7 (A) An officer.

8 (B) An enlisted member in the grade of E–  
 9 7 or above.

10 (b) LAW ENFORCEMENT AUTHORITY OF THE  
 11 UNITED STATES.—For purposes of this section, a law en-  
 12 forcement authority of the United States includes—

13 (1) a military or other Federal law enforcement  
 14 authority;

15 (2) a State or local law enforcement authority;  
 16 and

17 (3) such other law enforcement authorities  
 18 within the United States as the Secretary shall  
 19 specify in the regulations prescribed pursuant to  
 20 subsection (a).

21 (c) CRIMINAL LAW OF THE UNITED STATES.—

22 (1) IN GENERAL.—Except as provided in para-  
 23 graph (2), for purposes of this section, a criminal  
 24 law of the United States includes—

1 (A) any military or other Federal criminal  
2 law;

3 (B) any State, county, municipal, or local  
4 criminal law or ordinance; and

5 (C) such other criminal laws and ordi-  
6 nances of jurisdictions within the United States  
7 as the Secretary shall specify in the regulations  
8 prescribed pursuant to subsection (a).

9 (2) EXCEPTION.—For purposes of this section,  
10 a criminal law of the United States shall not include  
11 a law or ordinance specifying a minor traffic offense  
12 (as determined by the Secretary for purposes of such  
13 regulations).

14 (d) ACTIONS SUBJECT TO REPORT.—

15 (1) IN GENERAL.—The regulations prescribed  
16 pursuant to subsection (a) shall specify each action  
17 of a law enforcement authority of the United States  
18 for which a report under that subsection shall be re-  
19 quired.

20 (2) MULTIPLE REPORTS ON SINGLE CON-  
21 DUCT.—If the conduct of a covered member of the  
22 Armed Forces would provide the basis for actions of  
23 a law enforcement authority of the United States  
24 warranting more than one report under this section,

1 the regulations shall specify which of such actions  
2 such be subject to a report under this section.

3 (e) TIMELINESS OF REPORTS.—The regulations pre-  
4 scribed pursuant to subsection (a) shall establish require-  
5 ments for the timeliness of reports under this section.

6 (f) FORWARDING OF INFORMATION.—The regula-  
7 tions prescribed pursuant to subsection (a) shall provide  
8 that, in the event a military department receives informa-  
9 tion that a covered member of the Armed Forces under  
10 the jurisdiction of another military department has be-  
11 come subject to an investigation, arrest, charge, detention,  
12 adjudication, or conviction for which a report is required  
13 by this section, the Secretary of the military department  
14 receiving such information shall, in accordance with such  
15 procedures as the Secretary of Defense shall establish in  
16 such regulations, forward such information to the author-  
17 ity in the military department having jurisdiction over  
18 such member designated pursuant to such regulations.

19 (g) DEADLINE FOR REGULATIONS.—The regulations  
20 required by subsection (a), including the requirement in  
21 subsection (f), shall go into effect not later than January  
22 1, 2006.

## 1        **Subtitle E—Military Service** 2        **Academies**

### 3    **SEC. 561. AUTHORITY TO RETAIN PERMANENT MILITARY** 4        **PROFESSORS AT THE NAVAL ACADEMY** 5        **AFTER MORE THAN 30 YEARS OF SERVICE.**

6        (a) AUTHORITY TO RETAIN.—

7            (1) IN GENERAL.—Chapter 603 of title 10,  
8        United States Code, is amended by inserting after  
9        section 6952 the following new section:

#### 10    **“§ 6952a. Faculty: retention of permanent military** 11        **professors**

12        “(a) RETIREMENT FOR YEARS OF SERVICE.—(1) Ex-  
13        cept as provided in subsection (b), an officer serving as  
14        a permanent military professor at the Naval Academy in  
15        the grade of commander who is not on a list of officers  
16        recommended for promotion to the grade of captain shall,  
17        if not earlier retired, be retired on the first day of the  
18        month after the month in which the officer completes 28  
19        years of active commissioned service.

20        “(2) Except as provided in subsection (b), an officer  
21        serving as a permanent military professor at the Naval  
22        Academy in the grade of captain who is not on a list of  
23        officers recommended for promotion to the grade of rear  
24        admiral (lower half) shall, if not earlier retired, be retired  
25        on the first day of the month after the month in which

1 the officer completes 30 years of active commissioned serv-  
 2 ice.

3 “(b) CONTINUATION ON ACTIVE DUTY.—(1) An offi-  
 4 cer subject to retirement under subsection (a) may be con-  
 5 tinued on active duty by the Secretary of the Navy after  
 6 the date otherwise provided for retirement under such sub-  
 7 section—

8 “(A) upon the recommendation of the Super-  
 9 intendent of the Naval Academy; and

10 “(B) with the concurrence of the Chief of Naval  
 11 Operations.

12 “(2) The Secretary of the Navy shall determine the  
 13 period of continuation on active duty of an officer under  
 14 this subsection.

15 “(c) ELIGIBILITY FOR PROMOTION.—A permanent  
 16 military professor at the Naval Academy who has been re-  
 17 tained on active duty as a permanent military professor  
 18 after more than 28 years of active commissioned service  
 19 in the grade of commander under subsection (b) is eligible  
 20 for consideration for promotion to the grade of captain.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-  
 22 tions at the beginning of such chapter is amended  
 23 by inserting after the item relating to section 6952  
 24 the following new item:

“6952a. Faculty: retention of permanent military professors.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Section 633 of such title is amended—

2 (A) by striking “and an officer” and in-  
3 serting “, an officer”; and

4 (B) by inserting “, and an officer who is  
5 a permanent military professor at the Naval  
6 Academy to whom section 6952a of this title  
7 applies,” after “section 6383 of this title ap-  
8 plies”.

9 (2) Section 634 of such title is amended by in-  
10 serting “and an officer who is a permanent military  
11 professor at the Naval Academy to whom section  
12 6952a of this title applies,” after “section  
13 6383(a)(4) of this title”.

## 14 **Subtitle F—Administrative Matters**

### 15 **SEC. 571. CLARIFICATION OF LEAVE ACCRUAL FOR MEM-** 16 **BERS ASSIGNED TO A DEPLOYABLE SHIP OR** 17 **MOBILE UNIT OR OTHER DUTY.**

18 Subparagraph (B) of section 701(f)(1) of title 10,  
19 United States Code, is amended to read as follows:

20 “(B) This subsection applies to a member who—

21 “(i) serves on active duty for a continuous pe-  
22 riod of at least 120 days in an area in which the  
23 member is entitled to special pay under section  
24 310(a) of title 37; or



1           “(ii) is assigned to a deployable ship or mobile  
2           unit or to other duty designated for the purpose of  
3           this section.”.

4   **SEC. 572. LIMITATION ON CONVERSION OF MILITARY MED-**  
5                   **ICAL AND DENTAL BILLETS TO CIVILIAN PO-**  
6                   **SITIONS.**

7           (a) LIMITATION.—Commencing as of the date of the  
8           enactment of this Act, no military medical or dental billet  
9           may be converted to a civilian position until 90 days after  
10          the date on which the Secretary of Defense certifies to  
11          the congressional defense committees each of the fol-  
12          lowing:

13               (1) That the conversion of military medical or  
14               dental billets to civilian positions, whether before the  
15               date of the enactment or as scheduled after the limi-  
16               tation under this subsection no longer applies, will  
17               not result in an increase in civilian health care costs.

18               (2) That the conversion of such billets to such  
19               positions meets the joint medical and dental readi-  
20               ness requirements of the uniformed services, as de-  
21               termined jointly by all the uniformed services.

22               (3) That, as determined pursuant to market  
23               surveys conducted under subsection (b), the civilian  
24               medical and dental care providers available in each  
25               affected area are adequate to fill the civilian posi-

1        tions created by the conversion of such billets to  
2        such positions in such affected area.

3        (b) MARKET SURVEYS.—The Secretary of Defense  
4        shall conduct in each affected area a survey of the avail-  
5        ability of civilian medical and dental care providers in such  
6        area in order to determine, for purposes of subsection  
7        (a)(3), whether or not the civilian medical and dental care  
8        providers available in such area are adequate to fill the  
9        civilian positions created by the conversion of medical and  
10       dental billets to civilian positions in such area.

11       (c) DEFINITIONS.—In this section:

12            (1) The term “affected area” means an area in  
13        which the conversion of military medical or dental  
14        billets to civilian positions has taken place as of the  
15        date of the enactment of this Act or is scheduled to  
16        take place after the limitation under subsection (a)  
17        no longer applies.

18            (2) The term “uniformed services” has the  
19        meaning given that term in section 1072(1) of title  
20        10, United States Code.

1     **Subtitle G—Defense Dependents**  
2                     **Education Matters**

3     **SEC. 581. EXPANSION OF AUTHORIZED ENROLLMENT IN**  
4                     **DEPARTMENT OF DEFENSE DEPENDENTS**  
5                     **SCHOOLS OVERSEAS.**

6             The Defense Dependents’ Education Act of 1978 (20  
7     U.S.C. 931 et seq.) is amended by inserting after section  
8     1404 the following new section:

9     “ENROLLMENT OF CERTAIN ADDITIONAL CHILDREN ON  
10                     TUITION-FREE BASIS

11            “SEC. 1404A. (a) The Secretary of Defense may,  
12     under regulations to be prescribed by the Secretary, au-  
13     thorize the enrollment in schools of the defense depend-  
14     ents’ education system on a tuition-free basis the children  
15     of full-time, locally-hired employees of the Department of  
16     Defense in an overseas area if such employees are citizens  
17     or nationals of the United States.

18            “(b) The Secretary may utilize funds available for the  
19     defense dependents’ education system, including funds for  
20     construction, in order to provide for the education of chil-  
21     dren enrolled in the defense dependents’ education system  
22     under subsection (a).”.

1 **SEC. 582. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**  
2 **WITH SIGNIFICANT ENROLLMENT INCREASES**  
3 **IN MILITARY DEPENDENT STUDENTS DUE TO**  
4 **TROOP RELOCATIONS, CREATION OF NEW**  
5 **UNITS, AND REALIGNMENTS UNDER BRAC.**

6 (a) AVAILABILITY OF ASSISTANCE.—To assist com-  
7 munities in making adjustments resulting from the cre-  
8 ation of new units and other large-scale relocations of  
9 members of the Armed Forces between military installa-  
10 tions, the Secretary of Defense may make payments to  
11 local educational agencies described in subsection (b) that,  
12 during the period between the end of the school year pre-  
13 ceding the fiscal year for which the payments are author-  
14 ized and the beginning of the school year immediately pre-  
15 ceding that school year, had an overall increase in the  
16 number of military dependent students enrolled in schools  
17 of such local educational agencies equal to or greater than  
18 250 military dependent students.

19 (b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A  
20 local educational agency is eligible for assistance under  
21 this section for a fiscal year only if the Secretary of De-  
22 fense determines that—

23 (1) the local educational agency is eligible for  
24 educational agencies assistance for the same fiscal  
25 year; and

1           (2) the required overall increase in the number  
2           of military dependent students enrolled in schools of  
3           that local educational agency, as provided in sub-  
4           section (a), occurred as a result of the relocation of  
5           military personnel due to—

6                   (A) the global rebasing plan of the Depart-  
7                   ment of Defense;

8                   (B) the official creation or activation of  
9                   one or more new military units; or

10                  (C) the realignment of forces as a result of  
11                  the base closure process.

12           (c) NOTIFICATION.—Not later than June 30, 2006,  
13           and June 30 of each of the next two fiscal years, the Sec-  
14           retary of Defense shall notify each local educational agen-  
15           cy that is eligible for assistance under this section for such  
16           fiscal year of—

17                  (1) the eligibility of the local educational agency  
18                  for the assistance; and

19                  (2) the amount of the assistance for which that  
20                  local educational agency is eligible, as determined  
21                  under subsection (d).

22           (d) AMOUNT OF ASSISTANCE.—

23                  (1) IN GENERAL.—In making assistance avail-  
24                  able to local educational agencies under this section,  
25                  the Secretary of Defense shall, in consultation with

1 the Secretary of Education, make assistance avail-  
2 able to such local educational agencies for a fiscal  
3 year on a pro rata basis based on the size of the  
4 overall increase in the number of military and De-  
5 partment of Defense civilian dependent students en-  
6 rolled in schools of those local educational agencies  
7 for such fiscal year.

8 (2) LIMITATION.—No local educational agency  
9 may receive more than \$1,000,000 in assistance  
10 under this section for any fiscal year.

11 (e) DISBURSEMENT OF FUNDS.—The Secretary of  
12 Defense shall disburse assistance made available under  
13 this section for a fiscal year not later than 30 days after  
14 the date on which notification to the eligible local edu-  
15 cational agencies is provided pursuant to subsection (c)  
16 for that fiscal year.

17 (f) CONSULTATION.—The Secretary of Defense shall  
18 carry out this section in consultation with the Secretary  
19 of Education.

20 (g) REPORTS.—

21 (1) REPORTS REQUIRED.—Not later than May  
22 1 of each of 2007, 2008, and 2009, the Secretary  
23 of Defense shall submit to the congressional defense  
24 committees a report on the assistance provided

1 under this section during the fiscal year preceding  
2 the date of such report.

3 (2) ELEMENT.—Each report on the assistance  
4 provided during a fiscal year under this section shall  
5 include an assessment and description of the current  
6 compliance of each local educational agency receiving  
7 such assistance with the requirements of the No  
8 Child Left Behind Act of 2001 (Public Law 107–  
9 110).

10 (h) FUNDING.—Of the amount authorized to be ap-  
11 propriated to the Department of Defense for fiscal years  
12 2006, 2007, and 2008 for operation and maintenance for  
13 Defense-wide activities, \$15,000,000 shall be available for  
14 each such fiscal year only for the purpose of providing as-  
15 sistance to local educational agencies under this section.

16 (i) TERMINATION.—The authority of the Secretary of  
17 Defense to provide financial assistance under this section  
18 shall expire on September 30, 2008.

19 (j) DEFINITIONS.—In this section:

20 (1) The term “base closure process” means the  
21 2005 base closure and realignment process author-  
22 ized by Defense Base Closure and Realignment Act  
23 of 1990 (part A of title XXIX of Public Law 101–  
24 510; 10 U.S.C. 2687 note) or any base closure and  
25 realignment process conducted after the date of the

1 enactment of this Act under section 2687 of title 10,  
2 United States Code, or any other similar law en-  
3 acted after that date.

4 (2) The term “educational agencies assistance”  
5 means assistance authorized under section 386(b) of  
6 the National Defense Authorization Act for Fiscal  
7 Year 1993 (Public Law 102–484; 20 U.S.C. 7703  
8 note).

9 (3) The term “local educational agency” has  
10 the meaning given that term in section 8013(9) of  
11 the Elementary and Secondary Education Act of  
12 1965 (20 U.S.C. 7713(9)).

13 (4) The term “military dependent students” re-  
14 fers to—

15 (A) elementary and secondary school stu-  
16 dents who are dependents of members of the  
17 Armed Forces; and

18 (B) elementary and secondary school stu-  
19 dents who are dependents of civilian employees  
20 of the Department of Defense.



1 **SEC. 583. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**  
2 **THAT BENEFIT DEPENDENTS OF MEMBERS**  
3 **OF THE ARMED FORCES AND DEPARTMENT**  
4 **OF DEFENSE CIVILIAN EMPLOYEES.**

5 (a) CONTINUATION OF DEPARTMENT OF DEFENSE  
6 PROGRAM FOR FISCAL YEAR 2006.—Of the amount au-  
7 thorized to be appropriated pursuant to section 301(5) for  
8 operation and maintenance for Defense-wide activities,  
9 \$30,000,000 shall be available only for the purpose of pro-  
10 viding educational agencies assistance to local educational  
11 agencies.

12 (b) NOTIFICATION.—Not later than June 30, 2006,  
13 the Secretary of Defense shall notify each local edu-  
14 cational agency that is eligible for educational agencies as-  
15 sistance for fiscal year 2006 of—

16 (1) that agency's eligibility for the assistance;  
17 and

18 (2) the amount of the assistance for which that  
19 agency is eligible.

20 (c) DISBURSEMENT OF FUNDS.—The Secretary of  
21 Defense shall disburse funds made available under sub-  
22 section (a) not later than 30 days after the date on which  
23 notification to the eligible local educational agencies is  
24 provided pursuant to subsection (b).

25 (d) DEFINITIONS.—In this section:

1           (1) The term “educational agencies assistance”  
2       means assistance authorized under section 386(b) of  
3       the National Defense Authorization Act for Fiscal  
4       Year 1993 (Public Law 102–484; 20 U.S.C. 7703  
5       note).

6           (2) The term “local educational agency” has  
7       the meaning given that term in section 8013(9) of  
8       the Elementary and Secondary Education Act of  
9       1965 (20 U.S.C. 7713(9)).

10          (3) The term “basic support payment” means  
11       a payment authorized under section 8003(b)(1) of  
12       the Elementary and Secondary Education Act of  
13       1965 (20 U.S.C. 7703(b)(1)).

14   **SEC. 584. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**  
15                   **ABILITIES.**

16       Of the amount authorized to be appropriated pursu-  
17   ant to section 301(5) for operation and maintenance for  
18   Defense-wide activities, \$5,000,000 shall be available for  
19   payments under section 363 of the Floyd D. Spence Na-  
20   tional Defense Authorization Act for Fiscal Year 2001 (as  
21   enacted into law by Public Law 106–398; 114 Stat.  
22   1654A–77; 20 U.S.C. 7703a).

## **Subtitle H—Other Matters**

### **SEC. 591. POLICY AND PROCEDURES ON CASUALTY ASSIST- ANCE TO SURVIVORS OF MILITARY DECE- DENTS.**

(a) COMPREHENSIVE POLICY ON CASUALTY ASSIST-  
ANCE.—

(1) POLICY REQUIRED.—Not later than Janu-  
ary 1, 2006, the Secretary of Defense shall develop  
and prescribe a comprehensive policy for the Depart-  
ment of Defense on the provision of casualty assist-  
ance to survivors and next of kin of members of the  
Armed Forces who die during military service (in  
this section referred to as “military decedents”).

(2) CONSULTATION.—The Secretary shall de-  
velop the policy in consultation with the Secretaries  
of the military departments, the Secretary of Vet-  
erans Affairs, and the Secretary of Homeland Secu-  
rity with respect to the Coast Guard

(3) INCORPORATION OF PAST EXPERIENCE AND  
PRACTICE.—The policy shall be based on—

(A) the experience and best practices of  
the military departments;

(B) the recommendations of nongovern-  
ment organizations with demonstrated expertise

1 in responding to the needs of survivors of mili-  
2 tary decedents; and

3 (C) such other matters as the Secretary of  
4 Defense considers appropriate.

5 (4) PROCEDURES.—The policy shall include  
6 procedures to be followed by the military depart-  
7 ments in the provision of casualty assistance to sur-  
8 vivors and next of kin of military decedents. The  
9 procedures shall be uniform across the military de-  
10 partments except to the extent necessary to reflect  
11 the traditional practices or customs of a particular  
12 military department.

13 (b) ELEMENTS OF POLICY.—The comprehensive pol-  
14 icy developed under subsection (a) shall address the fol-  
15 lowing matters:

16 (1) The initial notification of primary and sec-  
17 ondary next of kin of the deaths of military dece-  
18 dents and any subsequent notifications of next of kin  
19 warranted by circumstances.

20 (2) The transportation and disposition of re-  
21 mains of military decedents, including notification of  
22 survivors of the performance of autopsies.

23 (3) The qualifications, assignment, training, du-  
24 ties, supervision, and accountability for the perform-  
25 ance of casualty assistance responsibilities.

1           (4) The relief or transfer of casualty assistance  
2 officers, including notification to survivors and next  
3 of kin of the reassignment of such officers to other  
4 duties.

5           (5) Centralized, short-term and long-term case-  
6 management procedures for casualty assistance by  
7 each military department, including rapid access by  
8 survivors of military decedents and casualty assist-  
9 ance officers to expert case managers and coun-  
10 selors.

11          (6) The provision, at no cost to survivors of  
12 military decedents, of personalized, integrated infor-  
13 mation on the benefits and financial assistance avail-  
14 able to such survivors from the Federal Government.

15          (7) The provision, at no cost to survivors of  
16 military decedents, of legal assistance by military at-  
17 torneys on matters arising from the deaths of such  
18 decedents, including tax matters, on an expedited,  
19 prioritized basis.

20          (8) The provision of financial counseling to sur-  
21 vivors of military decedents, particularly with respect  
22 to appropriate disposition of death gratuity and in-  
23 surance proceeds received by surviving spouses,  
24 minor dependent children, and their representatives.

1           (9) The provision of information to survivors  
2           and next of kin of military decedents on mechanisms  
3           for registering complaints about, or requests for, ad-  
4           ditional assistance related to casualty assistance.

5           (10) Liaison with the Department of Veterans  
6           Affairs and the Social Security Administration in  
7           order to ensure prompt and accurate resolution of  
8           issues relating to benefits administered by those  
9           agencies for survivors of military decedents.

10          (11) Data collection regarding the incidence  
11          and quality of casualty assistance provided to sur-  
12          vivors of military decedents, including surveys of  
13          such survivors and military and civilian members as-  
14          signed casualty assistance duties.

15          (c) ADOPTION BY MILITARY DEPARTMENTS.—Not  
16          later than March 1, 2006, the Secretary of each military  
17          department shall prescribe regulations, or modify current  
18          regulations, on the policies and procedures of such mili-  
19          tary department on the provision of casualty assistance  
20          to survivors and next of kin of military decedents in order  
21          to conform such policies and procedures to the policy de-  
22          veloped under subsection (a).

23          (d) REPORT ON IMPROVEMENT OF CASUALTY AS-  
24          SISTANCE PROGRAMS.—Not later than May 1, 2006, the  
25          Secretary of Defense shall submit to the Committees on

1 Armed Services of the Senate and the House of Represent-  
2 atives a report that includes—

3 (1) the assessment of the Secretary of the ade-  
4 quacy and sufficiency of the current casualty assist-  
5 ance programs of the military departments;

6 (2) a plan for a system for the uniform provi-  
7 sion to survivors of military decedents of personal-  
8 ized, accurate, and integrated information on the  
9 benefits and financial assistance available to such  
10 survivors through the casualty assistance programs  
11 of the military departments under subsection (c);  
12 and

13 (3) such recommendations for other legislative  
14 or administrative action as the Secretary considers  
15 appropriate to enhance and improve such programs  
16 to achieve their intended purposes.

17 (e) GAO REPORT.—

18 (1) REPORT REQUIRED.—Not later than Au-  
19 gust 1, 2006, the Comptroller General of the United  
20 States shall submit to the congressional defense  
21 committees a report on the evaluation by the Comp-  
22 troller General of the casualty assistance programs  
23 of the Department of Defense and of such other de-  
24 partments and agencies of the Federal Government

as provide casualty assistance to survivors and next of kin of military decedents.

(2) ASSESSMENT.—The report shall include the assessment of the Comptroller General of the adequacy of the current policies and procedures of, and funding for, the casualty assistance programs covered by the report to achieve their intended purposes.

**SEC. 592. MODIFICATION AND ENHANCEMENT OF MISSION  
AND AUTHORITIES OF THE NAVAL POST-  
GRADUATE SCHOOL.**

(a) COMBAT-RELATED FOCUS FOR NAVAL POST-GRADUATE SCHOOL.—

(1) IN GENERAL.—Section 7041 of title 10, United States Code, is amended by striking “for the advanced instruction” and all that follows and inserting “for the provision of advanced instruction, and professional and technical education, to commissioned officers of the naval service to enhance combat effectiveness and the national security.”.

(2) CONFORMING AMENDMENT.—Section 7042(b)(1) of such title is amended by striking “and technical education” and inserting “, and technical and professional education,”.



1 (b) EXPANDED ELIGIBILITY OF ENLISTED PER-  
 2 SONNEL FOR INSTRUCTION.—Section 7045 of such title  
 3 is amended—

4 (1) in subsection (a)(2)—

5 (A) by redesignating subparagraph (C) as  
 6 subparagraph (D);

7 (B) by inserting after subparagraph (B)  
 8 the following new subparagraph (C):

9 “(C) The Secretary may permit an eligible member  
 10 of the armed forces to receive instruction from the Post-  
 11 graduate School in certificate programs and courses re-  
 12 quired for the performance of the member’s duties.”; and

13 (C) in subparagraph (D), as so redesign-  
 14 nated, by striking “(A) and (B)” and inserting  
 15 “(A), (B), and (C)”;

16 (2) in subsection (b)(2), by striking “(a)(2)(C)”  
 17 and inserting “(a)(2)(D)”.

18 **SEC. 593. EXPANSION AND ENHANCEMENT OF AUTHORITY**  
 19 **TO PRESENT RECOGNITION ITEMS FOR RE-**  
 20 **CRUITMENT AND RETENTION PURPOSES.**

21 (a) IN GENERAL.—(1) Subchapter II of chapter 134  
 22 of title 10, United States Code, is amended by adding at  
 23 the end the following new section:

1   **“§ 2261. Presentation of recognition items for recruit-**  
 2                   **ment and retention purposes**

3           “(a) EXPENDITURES FOR RECOGNITION ITEMS.—  
 4   Under regulations prescribed by the Secretary of Defense,  
 5   appropriated funds may be expended—

6                   “(1) to procure recognition items of nominal or  
 7           modest value for recruitment or retention purposes;  
 8           and

9                   “(2) to present such items—

10                           “(A) to members of the armed forces, in-  
 11                   cluding members of the reserve components of  
 12                   the armed forces; and

13                           “(B) to members of the families of mem-  
 14                   bers of the armed forces, and to other individ-  
 15                   uals recognized as providing support that sub-  
 16                   stantially facilitates service in the armed forces.

17           “(b) PROVISION OF MEALS AND REFRESHMENTS.—  
 18   For purposes of section 520c of this title and any regula-  
 19   tion prescribed to implement that section, functions con-  
 20   ducted for the purpose of presenting recognition items de-  
 21   scribed in subsection (a) shall be treated as recruiting  
 22   functions, and recipients of such items shall be treated as  
 23   persons who are the objects of recruiting efforts.

24           “(c) DEFINITION.—The term ‘recognition items of  
 25   nominal or modest value’ means commemorative coins,  
 26   medals, trophies, badges, flags, posters, paintings, or other

1 similar items that are valued at less than \$50 per item  
 2 and are designed to recognize or commemorate service in  
 3 the armed forces.

4 “(d) TERMINATION OF AUTHORITY.—The authority  
 5 under this section shall expire December 31, 2007.”.

6 (2) The table of sections at the beginning of sub-  
 7 chapter II of chapter 134 of such title is amended by add-  
 8 ing at the end the following new item:

“2261. Presentation of recognition items for recruitment and retention pur-  
 poses.”.

9 (b) REPEAL OF SUPERSEDED AUTHORITIES.—

10 (1) ARMY RESERVE.—(A) Section 18506 of title  
 11 10, United States Code, is repealed.

12 (B) The table of sections at the beginning of  
 13 chapter 1805 of such title is amended by striking  
 14 the item relating to section 18506.

15 (2) NATIONAL GUARD.—(A) Section 717 of title  
 16 32, United States Code, is repealed.

17 (B) The table of sections at the beginning of  
 18 chapter 7 of such title is amended by striking the  
 19 item relating to section 717.

1 **SEC. 594. REQUIREMENT FOR REGULATIONS ON POLICIES**  
 2 **AND PROCEDURES ON PERSONAL COMMER-**  
 3 **CIAL SOLICITATIONS ON DEPARTMENT OF**  
 4 **DEFENSE INSTALLATIONS.**

5 (a) REQUIREMENT.—Not later than January 1,  
 6 2006, the Secretary of Defense shall prescribe regulations,  
 7 or modify existing regulations, on the policies and proce-  
 8 dures relating to personal commercial solicitations, includ-  
 9 ing the sale of life insurance and securities, on Depart-  
 10 ment of Defense installations.

11 (b) REPEAL OF SUPERSEDED LIMITATIONS.—The  
 12 following provisions of law are repealed:

13 (1) Section 586 of the National Defense Au-  
 14 thorization Act for Fiscal Year 2004 (Public Law  
 15 108–136; 117 Stat. 1493).

16 (2) Section 8133 of the Department of Defense  
 17 Appropriations Act, 2005 (Public Law 108–287;  
 18 118 Stat. 1002).

19 **SEC. 595. FEDERAL ASSISTANCE FOR STATE PROGRAMS**  
 20 **UNDER THE NATIONAL GUARD YOUTH CHAL-**  
 21 **LENCE PROGRAM.**

22 (a) IN GENERAL.—Section 509(d) of title 32, United  
 23 States Code, is amended by striking paragraphs (1), (2),  
 24 (3), and (4) and inserting the following new paragraphs:

1           “(1) for fiscal year 2006, 65 percent of the  
2           costs of operating the State program during that fis-  
3           cal year;

4           “(2) for fiscal year 2007, 70 percent of the  
5           costs of operating the State program during that fis-  
6           cal year; and

7           “(3) for fiscal year 2008 and each subsequent  
8           fiscal year, 75 percent of the costs of operating the  
9           State program during such fiscal year.”.

10          (b) EFFECTIVE DATE.—The amendment made by  
11 subsection (a) shall take effect on October 1, 2005.

12       **TITLE VI—COMPENSATION AND**  
13       **OTHER PERSONNEL BENEFITS**  
14       **Subtitle A—Pay and Allowances**

15       **SEC. 601. ELIGIBILITY FOR ADDITIONAL PAY OF PERMA-**  
16                       **NENT MILITARY PROFESSORS AT THE**  
17                       **UNITED STATES NAVAL ACADEMY WITH OVER**  
18                       **36 YEARS OF SERVICE.**

19          Section 203(b) of title 37, United States Code, is  
20 amended by inserting “, the United States Naval Acad-  
21 emy,” after “the United States Military Academy”.

1 **SEC. 602. ENHANCED AUTHORITY FOR AGENCY CONTRIBU-**  
 2 **TIONS FOR MEMBERS OF THE ARMED**  
 3 **FORCES PARTICIPATING IN THE THRIFT SAV-**  
 4 **INGS PLAN.**

5 (a) AUTHORITY TO MAKE CONTRIBUTIONS FOR CER-  
 6 TAIN FIRST-TIME ENLISTEES.—Section 211(d) of title  
 7 37, United States Code, is amended—

8 (1) in paragraph (1)—

9 (A) in subparagraph (A), by inserting “(i)”  
 10 after “(A)”;

11 (B) by redesignating subparagraph (B) as  
 12 clause (ii) of subparagraph (A);

13 (C) in clause (ii) of subparagraph (A), as  
 14 so redesignated, by striking the period at the  
 15 end and inserting “; or”; and

16 (D) by adding at the end the following new  
 17 subparagraph (B):

18 “(B) in the case of a member first enlisting in  
 19 the armed forces, the period of the member’s enlist-  
 20 ment is not less than two years.”;

21 (2) in paragraph (2), by striking “paragraph  
 22 (1)” the first place it appears and inserting “para-  
 23 graph (1)(A)”;

24 (3) by adding at the end the following new  
 25 paragraph:

1       “(3) In the case of a member described by paragraph  
 2 (1)(B), the Secretary shall make contributions to the  
 3 Fund for the benefit of the member for each pay period  
 4 of the enlistment of the member described in that para-  
 5 graph for which the member makes a contribution to the  
 6 Fund under section 8440e of title 5 (other than under  
 7 subsection (d)(2) thereof). The second sentence of para-  
 8 graph (2) applies to the Secretary’s obligation to make  
 9 contributions under this paragraph to the same extent as  
 10 such paragraph applies to the Secretary’s obligation to  
 11 make contributions under such paragraph.”.

12       (b) EFFECTIVE DATE.—The amendments made by  
 13 this section shall take effect on October 1, 2005.

14       **SEC. 603. PERMANENT AUTHORITY FOR SUPPLEMENTAL**  
 15                               **SUBSISTENCE ALLOWANCE FOR LOW-INCOME**  
 16                               **MEMBERS WITH DEPENDENTS.**

17       Section 402a of title 37, United States Code, is  
 18 amended by striking subsection (i).

19       **SEC. 604. MODIFICATION OF PAY CONSIDERED AS SAVED**  
 20                               **PAY UPON APPOINTMENT OF AN ENLISTED**  
 21                               **MEMBER AS AN OFFICER.**

22       (a) IN GENERAL.—Section 907(d) of title 37, United  
 23 States Code, is amended to read as follows:

24       “(d) In determining the amount of the pay and allow-  
 25 ances of a grade formerly held by an officer, the following

1 special and incentive pays may be considered only so long  
2 as the officer continues to perform the duty creating the  
3 entitlement to or eligibility for such pay and would other-  
4 wise be eligible to receive such pay in the officer's former  
5 grade:

6           “(1) Incentive pay for hazardous duty under  
7           section 301 of this title.

8           “(2) Submarine duty incentive pay under sec-  
9           tion 301c of this title.

10           “(3) Diving duty special pay under section 304  
11           of this title.

12           “(4) Hardship duty special pay under section  
13           305 of this title.

14           “(5) Career sea pay under section 305a of this  
15           title.

16           “(6) Special pay for service as a member of a  
17           Weapons of Mass Destruction Civil Support Team  
18           under section 305b of this title.

19           “(7) Assignment incentive pay under section  
20           307a of this title.

21           “(8) Hostile fire pay or imminent danger pay  
22           under section 310 of this title.

23           “(9) Special pay for extension of overseas tour  
24           of duty under section 314 of this title.



1           “(10) Foreign language proficiency pay under  
2           section 316 of this title.

3           “(11) Critical skill retention bonus under sec-  
4           tion 323 of this title, if payable in periodic install-  
5           ments.”.

6           (b) EFFECTIVE DATE.—The amendment made by  
7           this section shall take effect on the date of the enactment  
8           of this Act, and shall apply with respect to acceptances  
9           of enlisted members of appointments as officers on or  
10          after that date.

## 11       **Subtitle B—Bonuses and Special** 12       **and Incentive Pays**

### 13       **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND** 14       **SPECIAL PAY AUTHORITIES FOR RESERVE** 15       **FORCES.**

16          (a) SELECTED RESERVE REENLISTMENT BONUS.—  
17          Section 308b(g) of title 37, United States Code, is amend-  
18          ed by striking “December 31, 2005” and inserting “De-  
19          cember 31, 2006”.

20          (b) SPECIAL PAY FOR ENLISTED MEMBERS AS-  
21          SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section  
22          308d(c) of such title is amended by striking “December  
23          31, 2005” and inserting “December 31, 2006”.

24          (c) READY RESERVE NON-PRIOR SERVICE ENLIST-  
25          MENT BONUS.—Section 308g(h) of such title is amended

1 by striking “an enlistment after September 30, 1992.”

2 and inserting “an enlistment—

3 “(1) during the period beginning on October 1,

4 1992, and ending on September 30, 2005; or

5 “(2) after September 30, 2006.”.

6 (d) READY RESERVE ENLISTMENT AND REENLIST-

7 MENT BONUS.—Section 308h(g) of such title is amended

8 by striking “December 31, 2005” and inserting “Decem-

9 ber 31, 2006”.

10 (e) PRIOR SERVICE ENLISTMENT BONUS.—Section

11 308i(f) of such title is amended by striking “December

12 31, 2005” and inserting “December 31, 2006”.

13 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**

14 **SPECIAL PAY AUTHORITIES FOR CERTAIN**

15 **HEALTH CARE PROFESSIONALS.**

16 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-

17 GRAM.—Section 2130a(a)(1) of title 10, United States

18 Code, is amended by striking “December 31, 2005” and

19 inserting “December 31, 2006”.

20 (b) REPAYMENT OF EDUCATION LOANS FOR CER-

21 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-

22 LECTED RESERVE.—Section 16302(d) of such title is

23 amended by striking “before January 1, 2006” and insert-

24 ing “on or before December 31, 2006”.

1       (c) ACCESSION BONUS FOR REGISTERED NURSES.—  
2 Section 302d(a)(1) of title 37, United States Code, is  
3 amended by striking “December 31, 2005” and inserting  
4 “December 31, 2006”.

5       (d) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
6 THETISTS.—Section 302e(a)(1) of such title is amended  
7 by striking “December 31, 2005” and inserting “Decem-  
8 ber 31, 2006”.

9       (e) SPECIAL PAY FOR SELECTED RESERVE HEALTH  
10 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-  
11 CIALTIES.—Section 302g(f) of such title is amended by  
12 striking “December 31, 2005” and inserting “December  
13 31, 2006”.

14       (f) ACCESSION BONUS FOR DENTAL OFFICERS.—  
15 Section 302h(a)(1) of such title is amended by striking  
16 “December 31, 2005” and inserting “December 31,  
17 2006”.

18       (g) ACCESSION BONUS FOR PHARMACY OFFICERS.—  
19 Section 302j(a) of such title is amended by striking “the  
20 date of the enactment of the Floyd D. Spence National  
21 Defense Authorization Act for Fiscal Year 2001 and end-  
22 ing on September 30, 2005” and inserting “October 30,  
23 2000, and ending on December 31, 2006”.

1 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
2 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
3 **CERS.**

4 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
5 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
6 312(e) of title 37, United States Code, is amended by  
7 striking “December 31, 2005” and inserting “December  
8 31, 2006”.

9 (b) NUCLEAR CAREER ACCESSION BONUS.—Section  
10 312b(c) of such title is amended by striking “December  
11 31, 2005” and inserting “December 31, 2006”.

12 (c) NUCLEAR CAREER ANNUAL INCENTIVE  
13 BONUS.—Section 312c(d) of such title is amended by  
14 striking “December 31, 2005” and inserting “December  
15 31, 2006”.

16 **SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND**  
17 **SPECIAL PAY AUTHORITIES.**

18 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
19 tion 301b(a) of title 37, United States Code, is amended  
20 by striking “December 31, 2005” and inserting “Decem-  
21 ber 31, 2006”.

22 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(f)  
23 of such title is amended by striking “December 31, 2006”  
24 and inserting “December 31, 2007”.

25 (c) REENLISTMENT BONUS FOR ACTIVE MEM-  
26 BERS.—Section 308(g) of such title is amended by strik-

1 ing “December 31, 2005” and inserting “December 31,  
2 2006”.

3 (d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—  
4 Section 309(e) of such title is amended by striking “De-  
5 cember 31, 2005” and inserting “December 31, 2006”.

6 (e) RETENTION BONUS FOR MEMBERS WITH CRIT-  
7 ICAL MILITARY SKILLS.—Section 323(i) of such title is  
8 amended by striking “December 31, 2005” and inserting  
9 “December 31, 2006”.

10 (f) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-  
11 ICAL SKILLS.—Section 324(g) of such title is amended by  
12 striking “December 31, 2005” and inserting “December  
13 31, 2006”.

14 **SEC. 615. PAYMENT AND REPAYMENT OF ASSIGNMENT IN-**  
15 **CENTIVE PAY.**

16 (a) FLEXIBLE PAYMENT.—Section 307a of title 37,  
17 United States Code, is amended—

18 (1) in subsection (a)—

19 (A) by striking “monthly”; and

20 (B) by adding at the end the following new  
21 sentence: “Incentive pay payable under this sec-  
22 tion may be paid on a monthly basis, in a lump  
23 sum, or in installments.”;

24 (2) in subsection (b)—

1 (A) by inserting “(1)” before “The Sec-  
2 retary concerned”;

3 (B) in paragraph (1), as so designated, by  
4 striking “incentive pay” in the first sentence  
5 and inserting “the payment of incentive pay on  
6 a monthly basis”; and

7 (C) by adding at the end the following new  
8 paragraph:

9 “(2) The Secretary concerned shall require a member  
10 performing service in an assignment designated under  
11 subsection (a) to enter into a written agreement with the  
12 Secretary in order to qualify for the payment of incentive  
13 pay on a lump sum or installment basis under this section.  
14 The written agreement shall specify the period for which  
15 the incentive pay will be paid to the member and, subject  
16 to subsection (c), the amount of the lump sum, or each  
17 installment, of the incentive pay.”; and

18 (3) by striking subsection (c) and inserting the  
19 following new subsection (c):

20 “(c) MAXIMUM RATE OR AMOUNT.—(1) The max-  
21 imum monthly rate of incentive pay payable to a member  
22 on a monthly basis under this section is \$1,500.

23 “(2) The amount of the lump sum payment of incen-  
24 tive pay payable to a member on a lump sum basis under

1 this section may not exceed an amount equal to the prod-  
2 uct of—

3 “(A) the maximum monthly rate authorized  
4 under paragraph (1) at the time of the written  
5 agreement of the member under subsection (b)(2);  
6 and

7 “(B) the number of months in the period for  
8 which incentive pay will be paid pursuant to the  
9 agreement.

10 “(3) The amount of each installment payment of in-  
11 centive pay payable to a member on an installment basis  
12 under this section shall be the amount equal to—

13 “(A) the product of (i) a monthly rate specified  
14 in the written agreement of the member under sub-  
15 section (b)(2) (which monthly rate may not exceed  
16 the maximum monthly rate authorized under para-  
17 graph (1) at the time of the written agreement), and  
18 (ii) the number of months in the period for which  
19 incentive pay will be paid; divided by

20 “(B) the number of installments over such pe-  
21 riod.

22 “(4) If a member extends an assignment specified in  
23 an agreement with the Secretary under subsection (b), in-  
24 centive pay for the period of the extension may be paid

1 under this section on a monthly basis, in a lump sum, or  
2 in installments in accordance with this section.”.

3 (b) REPAYMENT.—Such section is further amend-  
4 ed—

5 (1) by redesignating subsections (d), (e), and  
6 (f) as subsections (e), (f), and (g), respectively; and

7 (2) by inserting after subsection (c), as amend-  
8 ed by subsection (a)(3) of this section, the following  
9 new subsection (d):

10 “(d) REPAYMENT OF INCENTIVE PAY.—(1)(A) A  
11 member who, pursuant to an agreement under subsection  
12 (b)(2), receives a lump sum or installment payment of in-  
13 centive pay under this section and who fails to complete  
14 the total period of service or other conditions specified in  
15 the agreement voluntarily or because of misconduct, shall  
16 refund to the United States an amount equal to the per-  
17 centage of incentive pay paid which is equal to the unex-  
18 pired portion of the service divided by the total period of  
19 service.

20 “(B) The Secretary concerned may waive repayment  
21 of an amount of incentive pay under subparagraph (A),  
22 whether in whole or in part, if the Secretary determines  
23 that conditions and circumstances warrant.



1 “(2) An obligation to repay the United States im-  
 2 posed under paragraph (1) is for all purposes a debt owed  
 3 to the United States.

4 “(3) A discharge in bankruptcy under title 11 that  
 5 is entered less than 5 years after the termination of the  
 6 agreement does not discharge the member signing the  
 7 agreement from a debt arising under paragraph (1).”.

8 **SEC. 616. INCREASE IN AMOUNT OF SELECTIVE REENLIST-**  
 9 **MENT BONUS FOR CERTAIN SENIOR SUPER-**  
 10 **VISORY NUCLEAR QUALIFIED ENLISTED PER-**  
 11 **SONNEL.**

12 (a) IN GENERAL.—Section 308 of title 37, United  
 13 States Code, is amended—

14 (1) by redesignating subsections (b) through (g)  
 15 as subsections (c) through (h), respectively; and

16 (2) by inserting after subsection (a) the fol-  
 17 lowing new subsection (b):

18 “(b)(1) An enlisted member of the naval service  
 19 who—

20 “(A) has completed at least ten, but not more  
 21 than fourteen, years of active duty;

22 “(B) is currently qualified for duty in connec-  
 23 tion with the supervision, operation, and mainte-  
 24 nance of naval nuclear propulsion plants;

1           “(C) is qualified in a military skill designated  
2           as critical by the Secretary of Defense; and

3           “(D) reenlists or voluntarily extends the mem-  
4           ber’s enlistment for a period of at least three years  
5           in the regular component of the naval service,  
6           may be paid a bonus as provided in paragraph (2).

7           “(2) The bonus to be paid a member under para-  
8           graph (1) may not exceed the lesser of the following  
9           amounts:

10           “(A) The amount determined with respect to  
11           the member in accordance with subsection (a)(2)(A).

12           “(B) \$75,000.

13           “(3) Subsection (a)(3) applies to the computation  
14           under paragraph (2)(A) of any bonus payable under this  
15           subsection.

16           “(4) Subsection (a)(4) applies to the payment of any  
17           bonus payable under this subsection.”.

18           (b) EFFECTIVE DATE.—The amendments made by  
19           this section shall take effect on October 1, 2005, and shall  
20           apply with respect to reenlistments or voluntary extensions  
21           of enlistments that occur on or after that date.

1 **SEC. 617. CONSOLIDATION AND MODIFICATION OF BO-**  
 2 **NUSES FOR AFFILIATION OR ENLISTMENT IN**  
 3 **THE SELECTED RESERVE.**

4 (a) CONSOLIDATION AND MODIFICATION OF BO-  
 5 NUSES.—Section 308c of title 37, United States Code, is  
 6 amended to read as follows:

7 **“§ 308c. Special pay: bonus for affiliation or enlist-**  
 8 **ment in the Selected Reserve**

9 “(a) AFFILIATION BONUS AUTHORIZED.—Under  
 10 regulations prescribed by the Secretary of Defense, the  
 11 Secretary concerned may pay an affiliation bonus to an  
 12 enlisted member of an armed force who—

13 “(1) has completed fewer than 20 years of mili-  
 14 tary service; and

15 “(2) executes a written agreement to serve in  
 16 the Selected Reserve of the Ready Reserve of an  
 17 armed force for a period of not less than three years  
 18 in a skill, unit, or pay grade designated under sub-  
 19 section (b) after being discharged or released from  
 20 active duty under honorable conditions.

21 “(b) DESIGNATION OF SKILLS, UNITS, AND PAY  
 22 GRADES.—The Secretary concerned shall designate the  
 23 skills, units, and pay grades for which an affiliation bonus  
 24 may be paid under subsection (a). Any skill, unit, or pay  
 25 grade so designated shall be a skill, unit, or pay grade  
 26 for which there is a critical need for personnel in the Se-

1 lected Reserve of the Ready Reserve of an armed force,  
2 as determined by the Secretary concerned.

3 “(c) ACCESSION BONUS AUTHORIZED.—Under regu-  
4 lations prescribed by the Secretary of Defense, the Sec-  
5 retary concerned may pay an accession bonus to a person  
6 who—

7 “(1) has not previously served in the armed  
8 forces; and

9 “(2) executes a written agreement to serve as  
10 an enlisted member in the Selected Reserve of the  
11 Ready Reserve of an armed force for a period of not  
12 less than three years upon acceptance of the agree-  
13 ment by the Secretary concerned.

14 “(d) LIMITATION ON AMOUNT OF BONUS.—The  
15 amount of a bonus under subsection (a) or (c) may not  
16 exceed \$10,000.

17 “(e) PAYMENT METHOD.—Upon acceptance of a  
18 written agreement by the Secretary concerned, the total  
19 amount of the bonus payable under the agreement be-  
20 comes fixed. The agreement shall specify whether the  
21 bonus shall be paid by the Secretary concerned in a lump  
22 sum or in installments.

23 “(f) CONTINUED ENTITLEMENT TO BONUS PAY-  
24 MENTS.—A member entitled to a bonus under this section  
25 who is called or ordered to active duty shall be paid, dur-

1 ing that period of active duty, any amount of the bonus  
2 that becomes payable to the member during that period  
3 of active duty.

4 “(g) REPAYMENT FOR FAILURE TO COMMENCE OR  
5 COMPLETE OBLIGATED SERVICE.—(1) An individual who,  
6 after being paid all or part of a bonus under an agreement  
7 under subsection (a) or (c), does not commence to serve  
8 in the Selected Reserve or does not satisfactorily partici-  
9 pate in the Selected Reserve for the total period of service  
10 specified in such agreement shall repay to the United  
11 States the amount of such bonus so paid, except as other-  
12 wise prescribed under paragraph (2).

13 “(2) The Secretary concerned shall prescribe in regu-  
14 lations whether repayment of an amount otherwise re-  
15 quired under paragraph (1) shall be made in whole or in  
16 part, the method for computing the amount of such repay-  
17 ment, and any conditions under which an exception to re-  
18 quired repayment would apply.

19 “(3) An obligation to repay the United States im-  
20 posed under paragraph (1) is for all purposes a debt owed  
21 to the United States. A discharge in bankruptcy under  
22 title 11 that is entered less than five years after the termi-  
23 nation of an agreement entered into under subsection (a)  
24 or (c) does not discharge the individual signing the agree-

1 ment from a debt arising under such agreement or under  
2 paragraph (1).

3 “(h) TERMINATION OF BONUS AUTHORITY.—No  
4 bonus may be paid under this section with respect to any  
5 agreement entered into under subsection (a) or (c) after  
6 December 31, 2006.”.

7 (b) REPEAL OF SUPERSEDED AFFILIATION BONUS  
8 AUTHORITY.—Section 308e of such title is repealed.

9 (c) CLERICAL AMENDMENTS.—The table of sections  
10 at the beginning of chapter 5 of such title is amended—

11 (1) by striking the item relating to section 308c  
12 and inserting the following new item:

“308e. Special pay: bonus for affiliation or enlistment in the Selected Reserve.”;

13 and

14 (B) by striking the item relating to section  
15 308e.

16 (d) EFFECTIVE DATE.—The amendments made by  
17 this section shall take effect on October 1, 2005, and shall  
18 apply with respect to agreements entered into under sec-  
19 tion 308c of title 37, United States Code (as amended by  
20 subsection (a)), on or after that date.

1 **SEC. 618. EXPANSION AND ENHANCEMENT OF SPECIAL PAY**  
 2 **FOR ENLISTED MEMBERS OF THE SELECTED**  
 3 **RESERVE ASSIGNED TO CERTAIN HIGH PRI-**  
 4 **ORITY UNITS.**

5 (a) **ELIGIBILITY FOR PAY.**—Subsection (a) of section  
 6 308d of title 37, United States Code, is amended by strik-  
 7 ing “an enlisted member” and inserting “a member”.

8 (b) **AMOUNT OF PAY.**—Such subsection is further  
 9 amended by striking “\$10” and inserting “\$50”.

10 (c) **CONFORMING AND CLERICAL AMENDMENTS.**—

11 (1) **CONFORMING AMENDMENT.**—The heading  
 12 of such section is amended to read as follows:

13 **“§ 308d. Special pay: members of the Selected Re-**  
 14 **serve assigned to certain high priority**  
 15 **units”.**

16 (2) **CLERICAL AMENDMENT.**—The table of sec-  
 17 tions at the beginning of chapter 5 of such title is  
 18 amended by striking the item relating to section  
 19 308d and inserting the following new item:

“308d. Special pay: members of the Selected Reserve assigned to certain high  
 priority units.”.

20 (d) **EFFECTIVE DATE.**—The amendments made by  
 21 this section shall take effect on October 1, 2005, and shall  
 22 apply to inactive-duty training performed on or after that  
 23 date.

1 **SEC. 619. RETENTION INCENTIVE BONUS FOR MEMBERS OF**  
2 **THE SELECTED RESERVE QUALIFIED IN A**  
3 **CRITICAL MILITARY SKILL OR SPECIALTY.**

4 (a) BONUS AUTHORIZED.—

5 (1) IN GENERAL.—Chapter 5 of title 37, United  
6 States Code, is amended by inserting after section  
7 308j the following new section:

8 **“§ 308k. Special pay: retention incentive bonus for**  
9 **members of the Selected Reserve quali-**  
10 **fied in a critical military skill or specialty**

11 **“(a) RETENTION BONUS AUTHORIZED.—**An eligible  
12 officer or enlisted member of the armed forces may be paid  
13 a retention bonus as provided in this section if—

14 **“(1) in the case of an officer or warrant officer,**  
15 **the member executes a written agreement to remain**  
16 **in the Selected Reserve for at least 2 years;**

17 **“(2) in the case of an enlisted member, the**  
18 **member reenlists or voluntarily extends the mem-**  
19 **ber’s enlistment in the Selected Reserve for a period**  
20 **of at least 2 years; or**

21 **“(3) in the case of an enlisted member serving**  
22 **on an indefinite reenlistment, the member executes**  
23 **a written agreement to remain in the Selected Re-**  
24 **serve for at least 2 years.**



1       “(b) ELIGIBLE MEMBERS.—Subject to subsection  
2 (d), an officer or enlisted member is eligible for a bonus  
3 under this section if the member—

4           “(1) is qualified in a military skill or specialty  
5 designated as critical for purposes of this section  
6 under subsection (c); or

7           “(2) agrees to train or retrain in a military skill  
8 or specialty so designated as critical.

9       “(c) DESIGNATION OF CRITICAL SKILLS OR SPECIAL-  
10 TIES.—The Secretary of Defense shall designate the mili-  
11 tary skills and specialties that shall be treated as critical  
12 military skills and specialties for purposes of this section.

13       “(d) CERTAIN MEMBERS INELIGIBLE.—A bonus may  
14 not be paid under subsection (a) to a member of the armed  
15 forces who—

16           “(1) has completed more than 25 years of  
17 qualifying service under section 12732 of title 10; or

18           “(2) will complete the member’s twenty-fifth  
19 year of qualifying service under section 12732 of  
20 title 10 before the end of the period of service for  
21 which the bonus is being offered.

22       “(e) MAXIMUM BONUS AMOUNT.—A member may  
23 enter into an agreement under this section, or reenlist or  
24 voluntarily extend the member’s enlistment, more than  
25 once to receive a bonus under this section. However, a

1 member may not receive a total of more than \$100,000  
2 in payments under this section.

3 “(f) PAYMENT METHODS.—(1) A bonus under sub-  
4 section (a) may be paid in a single lump sum or in install-  
5 ments.

6 “(2) In the case of a member who agrees to train  
7 or retrain in a military skill or specialty designated as crit-  
8 ical under subsection (b)(2), no payment may be made  
9 until the member successfully completes the training or  
10 retraining and is qualified in such skill or specialty.

11 “(g) RELATIONSHIP TO OTHER INCENTIVES.—A  
12 bonus paid to a member under subsection (a) is in addi-  
13 tion to any other pay and allowances to which the member  
14 is entitled under any other provision of law.

15 “(h) REPAYMENT FOR FAILURE TO COMMENCE OR  
16 COMPLETE OBLIGATED SERVICE.—(1) An individual who,  
17 after receiving all or part of the bonus under an agree-  
18 ment, or a reenlistment or voluntary extension of enlist-  
19 ment, referred to in subsection (a), does not commence  
20 to serve in the Selected Reserve, or does not satisfactorily  
21 participate in the Selected Reserve for the total period of  
22 service specified in the agreement, or under such reenlist-  
23 ment or voluntary extension of enlistment, as applicable,  
24 shall repay to the United States such bonus, except under  
25 conditions established by the Secretary concerned.

1       “(2) The Secretary concerned shall establish, in ac-  
2 cordance with the regulations prescribed under subsection  
3 (i)—

4               “(A) whether repayment of a bonus under para-  
5 graph (1) is required in whole or in part;

6               “(B) the method for computing the amount of  
7 such repayment; and

8               “(C) the conditions under which an exception to  
9 repayment otherwise required under that paragraph  
10 would apply.

11       “(3) An obligation to repay the United States im-  
12 posed under paragraph (1) is for all purposes a debt owed  
13 to the United States. A discharge in bankruptcy under  
14 title 11 that is entered less than 5 years after the termi-  
15 nation of an agreement under subsection (a), or a reenlist-  
16 ment or voluntary extension of enlistment under sub-  
17 section (a), does not discharge the individual signing the  
18 agreement, reenlisting, or voluntarily extending enlist-  
19 ment, as applicable, from a debt arising under paragraph  
20 (1).

21       “(i) REGULATIONS.—This section shall be adminis-  
22 tered under regulations prescribed by the Secretary of De-  
23 fense.

24       “(j) TERMINATION OF AUTHORITY.—No bonus may  
25 be paid under this section with respect to any agreement,

reenlistment, or voluntary extension of enlistment in the armed forces entered into after December 31, 2006.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 308j the following new item:

“308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill or specialty.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

**SEC. 620. TERMINATION OF LIMITATION ON DURATION OF  
PAYMENT OF IMMINENT DANGER SPECIAL  
PAY DURING HOSPITALIZATION.**

(a) TERMINATION OF LIMITATION.—Section 310(b) of title 37, United States Code, is amended by striking “not more than three additional months” and inserting “any month, or any portion of a month,”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

**SEC. 621. AUTHORITY FOR RETROACTIVE PAYMENT OF IM-  
MINENT DANGER SPECIAL PAY.**

Section 310 of title 37, United States Code, is amended—

1 (1) by redesignating subsections (b), (c), and  
 2 (d) as subsections (c), (d), and (e), respectively; and

3 (2) by inserting after subsection (a) the fol-  
 4 lowing new subsection:

5 “(b) DATE OF COMMENCEMENT OF PAYMENT OF IM-  
 6 MINENT DANGER PAY.—Payment of special pay under  
 7 this section to a member covered by subsection (a)(2)(D)  
 8 may be made from any date, as determined by the Sec-  
 9 retary of Defense, on or after which such member was as-  
 10 signed to duty in a foreign area determined by the Sec-  
 11 retary to be covered by such subsection.”.

12 **SEC. 622. AUTHORITY TO PAY FOREIGN LANGUAGE PRO-**  
 13 **FICIENCY PAY TO MEMBERS ON ACTIVE DUTY**  
 14 **AS A BONUS.**

15 (a) AUTHORITY TO PAY.—Section 316 of title 37,  
 16 United States Code, is amended—

17 (1) in subsection (a)—

18 (A) by inserting “OR BONUS” after “SPE-  
 19 CIAL PAY”; and

20 (B) by inserting “or a bonus” after  
 21 “monthly special pay”;

22 (2) in subsection (d)—

23 (A) by redesignating paragraph (2) as  
 24 paragraph (3); and

1 (B) by inserting after paragraph (1) the  
 2 following new paragraph (2):

3 “(2) The amount of the bonus paid under subsection  
 4 (a) may not exceed \$12,000 for the one-year period cov-  
 5 ered by the certification of the member. The Secretary  
 6 concerned may pay the bonus in a single lump sum at  
 7 the beginning of the certification period or in installments  
 8 during the certification period.”; and

9 (3) in subsection (f)(1)(C), by inserting “or a  
 10 bonus” after “special pay”.

11 (b) EFFECTIVE DATE.—The amendments made by  
 12 this section shall take effect on October 1, 2005.

13 **SEC. 623. INCENTIVE BONUS FOR TRANSFER BETWEEN THE**  
 14 **ARMED FORCES.**

15 (a) IN GENERAL.—Chapter 5 of title 37, United  
 16 States Code, is amended by adding at the end the fol-  
 17 lowing new section:

18 **“§ 327. Incentive bonus: transfer between armed**  
 19 **forces**

20 “(a) INCENTIVE BONUS AUTHORIZED.—A bonus  
 21 under this section may be paid to an eligible member of  
 22 a regular component or reserve component of an armed  
 23 force who executes a written agreement—

1           “(1) to transfer from such regular component  
2           or reserve component to a regular component or re-  
3           serve component of another armed force; and

4           “(2) to serve pursuant to such agreement for a  
5           period of not less than three years in the component  
6           to which transferred.

7           “(b) ELIGIBLE MEMBERS.—A member is eligible to  
8           enter into an agreement under subsection (a) if, as of the  
9           date of the agreement, the member—

10           “(1) has not failed to satisfactorily complete  
11           any term of enlistment in the armed forces;

12           “(2) is eligible for reenlistment in the armed  
13           forces or, in the case of an officer, is eligible to con-  
14           tinue in service in a regular or reserve component of  
15           the armed forces; and

16           “(3) has fulfilled such requirements for transfer  
17           to the component of the armed force to which the  
18           member will transfer as the Secretary having juris-  
19           diction over such armed force shall establish.

20           “(c) LIMITATION.—A member may enter into an  
21           agreement under subsection (a) to transfer to a regular  
22           component or reserve component of another armed force  
23           only if the Secretary having jurisdiction over such armed  
24           force determines that there is shortage of trained and  
25           qualified personnel in such component.

1       “(d) AMOUNT AND PAYMENT OF BONUS.—(1) A  
2 bonus under this section may not exceed \$2,500.

3       “(2) A bonus under this section shall be paid by the  
4 Secretary having jurisdiction of the armed force to which  
5 the member to be paid the bonus is transferring.

6       “(3) A bonus under this section shall, at the election  
7 of the Secretary paying the bonus—

8               “(A) be disbursed to the member in one lump  
9 sum when the transfer for which the bonus is paid  
10 is approved by the chief personnel officer of the  
11 armed force to which the member is transferring; or

12              “(B) be paid to the member in annual install-  
13 ments in such amounts as may be determined by the  
14 Secretary paying the bonus.

15       “(e) RELATIONSHIP TO OTHER PAY AND ALLOW-  
16 ANCES.—A bonus paid to a member under this section is  
17 in addition to any other pay and allowances to which the  
18 member is entitled.

19       “(f) REPAYMENT OF BONUS.—(1) A member who is  
20 paid a bonus under an agreement under this section and  
21 who, voluntarily or because of misconduct, fails to serve  
22 for the period covered by such agreement shall refund to  
23 the United States an amount which bears the same ratio  
24 to the amount of the bonus paid such member as the pe-



1 riod which such member failed to serve bears to the total  
2 period for which the bonus was paid.

3 “(2) An obligation to reimburse the United States  
4 imposed under paragraph (1) is for all purposes a debt  
5 owed to the United States.

6 “(3) A discharge in bankruptcy under title 11 that  
7 is entered less than 5 years after the termination of an  
8 agreement under this section does not discharge the per-  
9 son signing such agreement from a debt arising under  
10 paragraph (1).

11 “(g) REGULATIONS.—The Secretaries concerned  
12 shall prescribe regulations to carry out this section. Regu-  
13 lations prescribed by the Secretary of a military depart-  
14 ment under this subsection shall be subject to the approval  
15 of the Secretary of Defense.

16 “(h) TERMINATION OF AUTHORITY.—No agreement  
17 under this section may be entered into after December 31,  
18 2006.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of chapter 5 of such title is amended by  
21 adding at the end the following new item:

“327. Incentive bonus: transfer between armed forces.”.

## **Subtitle C—Travel and Transportation Allowances**

**SEC. 631. TRANSPORTATION OF FAMILY MEMBERS IN CON-  
 NECTION WITH THE REPATRIATION OF  
 SERVICEMEMBERS OR CIVILIAN EMPLOYEES  
 HELD CAPTIVE.**

(a) MILITARY CAPTIVES.—(1) Chapter 7 of title 37,  
 United States Code, is amended by inserting after section  
 411i the following new section:

**“§ 411j. Travel and transportation allowances: trans-  
 portation of family members incident to  
 the repatriation of members held captive**

“(a) ALLOWANCE FOR FAMILY MEMBERS AND CER-  
 TAIN OTHERS.—(1) Under uniform regulations prescribed  
 by the Secretaries concerned, travel and transportation de-  
 scribed in subsection (d) may be provided for not more  
 than 3 family members of a member described in sub-  
 section (b).

“(2) In addition to the family members authorized  
 to be provided travel and transportation under paragraph  
 (1), the Secretary concerned may provide travel and trans-  
 portation described in subsection (d) to an attendant to  
 accompany a family member described in that paragraph  
 if the Secretary determines that—

1           “(A) the family member to be accompanied is  
2           unable to travel unattended because of age, physical  
3           condition, or other reason determined by the Sec-  
4           retary; and

5           “(B) no other family member who is eligible for  
6           travel and transportation under paragraph (1) is  
7           able to serve as an attendant for the family member.

8           “(3) If no family member of a member described in  
9           subsection (b) is able to travel to the repatriation site of  
10          the member, travel and transportation described in sub-  
11          section (d) may be provided to not more than 2 persons  
12          related to and selected by the member.

13          “(b) COVERED MEMBERS.—A member described in  
14          this subsection is a member of the uniformed services  
15          who—

16                 “(1) is serving on active duty;

17                 “(2) was held captive, as determined by the  
18          Secretary concerned; and

19                 “(3) is repatriated to a site inside or outside  
20          the United States.

21          “(c) ELIGIBLE FAMILY MEMBERS.—In this section,  
22          the term ‘family member’ has the meaning given the term  
23          in section 411h(b) of this title.

24          “(d) TRAVEL AND TRANSPORTATION AUTHOR-  
25          IZED.—(1) The transportation authorized by subsection

1 (a) is round-trip transportation between the home of the  
 2 family member (or home of the attendant or person pro-  
 3 vided transportation under paragraph (2) or (3) of sub-  
 4 section (a), as the case may be) and the location of the  
 5 repatriation site at which the member is located.

6 “(2) In addition to the transportation authorized by  
 7 subsection (a), the Secretary concerned may provide a per  
 8 diem allowance or reimbursement for the actual and nec-  
 9 essary expenses of the travel, or a combination thereof,  
 10 but not to exceed the rates established for such allowances  
 11 and expenses under section 404(d) of this title.

12 “(3) The transportation authorized by subsection (a)  
 13 may be provided by any of the means described in section  
 14 411h(d)(1) of this title.

15 “(4) An allowance under this subsection may be paid  
 16 in advance.

17 “(5) Reimbursement payable under this subsection  
 18 may not exceed the cost of government-procured round-  
 19 trip air travel.”.

20 (2) The table of sections at the beginning of chapter  
 21 7 of such title is amended by inserting after the item relat-  
 22 ing to section 411i the following new item:

“411j. Travel and transportation allowances: transportation of family members  
 incident to the repatriation of members held captive.”.

1 (b) CIVILIAN CAPTIVES.—(1) Chapter 57 of title 5,  
 2 United States Code, is amended by adding at the end the  
 3 following new section:

4 **“§ 5760. Travel and transportation allowances: trans-**  
 5 **portation of family members incident to**  
 6 **the repatriation of employees held cap-**  
 7 **tive**

8 “(a) ALLOWANCE FOR FAMILY MEMBERS AND CER-  
 9 TAIN OTHERS.—(1) Under uniform regulations prescribed  
 10 by the heads of agencies, travel and transportation de-  
 11 scribed in subsection (d) may be provided for not more  
 12 than 3 family members of an employee described in sub-  
 13 section (b).

14 “(2) In addition to the family members authorized  
 15 to be provided travel and transportation under paragraph  
 16 (1), the head of an agency may provide travel and trans-  
 17 portation described in subsection (d) to an attendant to  
 18 accompany a family member described in subsection (b)  
 19 if the head of an agency determines—

20 “(A) the family member to be accompanied is  
 21 unable to travel unattended because of age, physical  
 22 condition, or other reason determined by the head of  
 23 the agency; and

1           “(B) no other family member who is eligible for  
2           travel and transportation under subsection (a) is  
3           able to serve as an attendant for the family member.

4           “(3) If no family member of an employee described  
5           in subsection (b) is able to travel to the repatriation site  
6           of the employee, travel and transportation described in  
7           subsection (d) may be provided to not more than 2 persons  
8           related to and selected by the employee.

9           “(b) COVERED EMPLOYEES.—An employee described  
10          in this subsection is an employee (as defined in section  
11          2105 of this title) who—

12           “(1) was held captive, as determined by the  
13          head of an agency concerned; and

14           “(2) is repatriated to a site inside or outside  
15          the United States.

16          “(c) ELIGIBLE FAMILY MEMBERS.—In this section,  
17          the term ‘family member’ has the meaning given the term  
18          in section 411h(b) of title 37.

19          “(d) TRAVEL AND TRANSPORTATION AUTHOR-  
20          IZED.—(1) The transportation authorized by subsection  
21          (a) is round-trip transportation between the home of the  
22          family member (or home of the attendant or person pro-  
23          vided transportation under paragraph (2) or (3) of sub-  
24          section (a), as the case may be) and the location of the  
25          repatriation site at which the employee is located.

1       “(2) In addition to the transportation authorized by  
 2 subsection (a), the head of an agency may provide a per  
 3 diem allowance or reimbursement for the actual and nec-  
 4 essary expenses of the travel, or a combination thereof,  
 5 but not to exceed the rates established for such allowances  
 6 and expenses under section 404(d) of title 37.

7       “(3) The transportation authorized by subsection (a)  
 8 may be provided by any of the means described in section  
 9 411h(d)(1) of title 37.

10       “(4) An allowance under this subsection may be paid  
 11 in advance.

12       “(5) Reimbursement payable under this subsection  
 13 may not exceed the cost of government-procured round-  
 14 trip air travel.”.

15       (2) The table of sections at the beginning of chapter  
 16 57 of such title is amended by adding at the end the fol-  
 17 lowing new item:

“5760. Travel and transportation allowances: transportation of family members  
 incident to the repatriation of employees held captive.”.

## 18           **Subtitle D—Retired Pay and** 19           **Survivor Benefits**

20   **SEC. 641. ENHANCEMENT OF DEATH GRATUITY AND LIFE**  
 21           **INSURANCE BENEFITS FOR DEATHS FROM**  
 22           **COMBAT-RELATED CAUSES OR CAUSES IN-**  
 23           **CURRED IN COMBAT OPERATIONS OR AREAS.**

24       (a) INCREASED AMOUNT OF DEATH GRATUITY.—

1           (1) IN GENERAL.—Section 1478 of title 10,  
2       United States Code, is amended—

3           (A) in subsection (a), by inserting “, ex-  
4       cept as provided in subsection (c)” after  
5       “\$12,000”;

6           (B) by redesignating subsection (c) as sub-  
7       section (d); and

8           (C) by inserting after subsection (b) the  
9       following new subsection (c):

10       “(c) The death gratuity payable under sections 1475  
11       through 1477 of this title is \$100,000 in the case of a  
12       death resulting from wounds, injuries, or illnesses that  
13       are—

14           “(1) incurred as described in section  
15       1413a(e)(2) of this title; or

16           “(2) incurred in an operation or area des-  
17       ignated as a combat operation or a combat zone, re-  
18       spectively, by the Secretary of Defense under section  
19       1967(e)(1)(A) of title 38.”.

20       (2) CONFORMING AMENDMENT.—Subsection (a)  
21       of such section, as amended by paragraph (1), is  
22       further amended by striking “(as adjusted under  
23       subsection (c))” and inserting “(as adjusted under  
24       subsection (d))”.



1           (3) EFFECTIVE DATE.—The amendments made  
 2       by this subsection shall take effect on October 1,  
 3       2005, immediately after the termination of the  
 4       amendments made to section 1478 of title 10,  
 5       United States Code, by the Emergency Supple-  
 6       mental Appropriations Act for Defense, the Global  
 7       War on Terror, and Tsunami Relief, 2005 (Public  
 8       Law 109–13), and shall apply with respect to deaths  
 9       occurring on or after that date.

10       (b) SERVICEMEMBERS’ GROUP LIFE INSURANCE EN-  
 11      HANCEMENTS.—

12           (1) INCREASED MAXIMUM AMOUNT OF SGLI.—  
 13       Section 1967 of title 38, United States Code, is  
 14       amended—

15           (A) in subsection (a)(3)(A), by striking  
 16       clause (i) and inserting the following new  
 17       clause:

18           “(i) In the case of a member—

19               “(I) \$400,000 or such lesser amount as  
 20       the member may elect as provided in subpara-  
 21       graph (B);

22               “(II) in the case of a member covered by  
 23       subsection (e), the amount provided for or elect-  
 24       ed by the member under subclause (I) plus the

1 additional amount of insurance provided for the  
 2 member by subsection (e); or

3 “(III) in the case of a member covered by  
 4 subsection (e) who has made an election under  
 5 paragraph (2)(A) not to be insured under this  
 6 subchapter, the amount of insurance provided  
 7 for the member by subsection (e).”; and

8 (B) in subsection (d), by striking  
 9 “\$250,000” and inserting “\$400,000”.

10 (2) INCREMENTS OF DECREASED AMOUNTS  
 11 ELECTABLE BY MEMBERS.—Subsection (a)(3)(B) of  
 12 such section is amended by striking “member or  
 13 spouse” in the last sentence and inserting “member,  
 14 be evenly divisible by \$50,000 and, in the case of a  
 15 member’s spouse”.

16 (3) ADDITIONAL AMOUNT FOR MEMBERS SERV-  
 17 ING IN CERTAIN AREAS OR OPERATIONS.—

18 (A) INCREASED AMOUNT.—Section 1967  
 19 of such title is further amended—

20 (i) by redesignating subsection (e) as  
 21 subsection (f); and

22 (ii) by inserting after subsection (d)  
 23 the following new subsection (e):

24 “(e)(1) A member covered by this subsection is any  
 25 member as follows:

1           “(A) Any member who dies as a result of one  
2           or more wounds, injuries, or illnesses incurred while  
3           serving in an operation or area that the Secretary of  
4           Defense designates, in writing, as a combat oper-  
5           ation or a zone of combat, respectively, for purposes  
6           of this subsection.

7           “(B) Any member who formerly served in an  
8           operation or area so designated and whose death is  
9           determined (under regulations prescribed by the Sec-  
10          retary of Defense) to be the direct result of injury  
11          or illness incurred or aggravated while so serving.

12          “(2) The additional amount of insurance under this  
13          subchapter that is provided for a member by this sub-  
14          section is \$150,000, except that in a case in which the  
15          amount provided for or elected by the member under sub-  
16          section (a)(3)(A)(i)(I) exceeds \$250,000, the additional  
17          amount of insurance under this subchapter that is pro-  
18          vided for the member by this subsection shall be reduced  
19          to such amount as is necessary to comply with the limita-  
20          tion in paragraph (3).

21          “(3) The total amount of insurance payable for a  
22          member under this subchapter may not exceed \$400,000.

23          “(4) While a member is serving in an operation or  
24          area designated as described in paragraph (1), the cost  
25          of insurance of the member under this subchapter that

1 is attributable to \$150,000 of insurance coverage shall,  
 2 at the election of the Secretary concerned—

3 “(A) be contributed as provided in section  
 4 1969(b)(2) of this title, rather through deduction or  
 5 withholding from the member’s pay; or

6 “(B) if deducted or withheld from the member’s  
 7 pay, be reimbursed to the member through such  
 8 mechanism as the Secretary concerned determines  
 9 appropriate.”.

10 (B) FUNDING.—Section 1969(b) of such  
 11 title is amended—

12 (i) by inserting “(1)” after “(b)”; and

13 (ii) by adding at the end the following  
 14 new paragraph:

15 “(2) For each month for which a member insured  
 16 under this subchapter is serving in an operation or area  
 17 designated as described by paragraph (1)(A) of section  
 18 1967(e) of this title, there may, at the election of the Sec-  
 19 retary concerned under paragraph (4)(A) of such section,  
 20 be contributed from the appropriation made for active  
 21 duty pay of the uniformed service concerned an amount  
 22 determined by the Secretary and certified to the Secretary  
 23 concerned to be the cost of Servicemembers’ Group Life  
 24 Insurance which is traceable to the cost of providing insur-

1   ance for the member under section 1967 of this title in  
2   the amount of \$150,000.”.

3           (4)    CONFORMING    AMENDMENT.—Section  
4    1967(a)(2)(A) of such title is amended by inserting  
5    before the period at the end the following: “, except  
6    with respect to insurance provided under paragraph  
7    (3)(A)(i)(III)”.

8           (5)    COORDINATION    WITH    VGLI.—Section  
9    1977(a) of such title is amended—

10           (A) by striking “\$250,000” each place it  
11           appears and inserting “\$400,000”; and

12           (B) by adding at the end of paragraph (1)  
13           the following new sentence: “Any additional  
14           amount of insurance provided a member under  
15           section 1967(e) of this title may not be treated  
16           as an amount for which Veterans’ Group Life  
17           Insurance shall be issued under this section.”.

18           (6) REQUIREMENTS REGARDING ELECTIONS OF  
19    MEMBERS TO REDUCE OR DECLINE INSURANCE.—  
20    Section 1967(a) of such title is further amended—

21           (A) in paragraph (2), by adding at the end  
22           the following new subparagraph:

23           “(C) Pursuant to regulations prescribed by the Sec-  
24    retary of Defense, notice of an election of a member with  
25    a spouse not to be insured under this subchapter, or to

1 be insured under this subchapter in an amount less than  
 2 the maximum amount provided under paragraph  
 3 (3)(A)(i)(I), shall be provided to the spouse of the mem-  
 4 ber.”; and

5 (B) in paragraph (3), by adding at the end  
 6 the following new subparagraph:

7 “(D) Whenever a member who is not married elects  
 8 not to be insured under this subchapter, or to be insured  
 9 under this subchapter in an amount less than the max-  
 10 imum amount provided for under subparagraph (A)(i)(I),  
 11 the Secretary concerned shall provide a notice of such elec-  
 12 tion to any person designated by the member as a bene-  
 13 ficiary or designated as the member’s next-of-kin for the  
 14 purpose of emergency notification, as determined under  
 15 regulations prescribed by the Secretary of Defense.”.

16 (7) REQUIREMENT REGARDING REDESIGNATION  
 17 OF BENEFICIARIES.—Section 1970 of such title is  
 18 amended by adding at the end the following new  
 19 subsection:

20 “(j) A member with a spouse may not modify the ben-  
 21 eficiary or beneficiaries designated by the member under  
 22 subsection (a) without providing written notice of such  
 23 modification to the spouse.”.

24 (8) EFFECTIVE DATE.—This subsection and the  
 25 amendments made by this subsection shall take ef-

fect on October 1, 2005, immediately after the termination of the amendments made to sections 1967, 1969, 1970, and 1977 of title 38, United States Code, by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

## **Subtitle E—Other Matters**

### **SEC. 651. PAYMENT OF EXPENSES OF MEMBERS OF THE ARMED FORCES TO OBTAIN PROFESSIONAL CREDENTIALS.**

(a) PAYMENT AUTHORIZED.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2007 the following new section:

#### **“§ 2007a. Payment of expenses of members of the armed forces to obtain professional credentials**

“(a) PAYMENT AUTHORIZED.—Except as provided in subsection (b), the Secretary of Defense may pay for—

“(1) expenses of members of the armed forces to obtain professional credentials, including expenses of professional accreditation, State-imposed and professional licenses, and professional certification; and

“(2) examinations to obtain such credentials.

“(b) EXCEPTION.—The authority in subsection (a) may not be exercised on behalf of any member of the

1 armed forces for expenses to obtain the basic qualifica-  
 2 tions for membership in a profession or officer community.

3 “(c) FUNDS AVAILABLE.—Funds appropriated or  
 4 otherwise made available to the Secretary of Defense may  
 5 be used to pay expenses under subsection (a).”.

6 (b) CLERICAL AMENDMENT.—The table of sections  
 7 at the beginning of such chapter is amended by adding  
 8 at the end the following new item:

“2007a. Payment of expenses of members of the armed forces to obtain profes-  
 sional credentials.”.

9 **SEC. 652. PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT**

10 **SAVINGS PLAN FOR INITIAL ENLISTEES IN**

11 **THE ARMED FORCES.**

12 (a) PILOT PROGRAM REQUIRED.—During fiscal year  
 13 2006, the Secretary of the Army shall carry out within  
 14 the Army a pilot program in order to assess the extent  
 15 to which contributions by the military departments to the  
 16 Thrift Savings Fund on behalf of members of the Armed  
 17 Forces described in subsection (b) would—

18 (1) assist the Armed Forces in recruiting ef-  
 19 forts; and

20 (2) assist such members in establishing habits  
 21 of financial responsibility during their initial enlist-  
 22 ments in the Armed Forces.

23 (b) COVERED MEMBERS.—A member of the Armed  
 24 Forces described in this subsection is a member of the



1 Armed Forces who is serving in the Armed Forces under  
2 an initial enlistment for a period of not less than two  
3 years.

4 (c) CONTRIBUTIONS TO THRIFT SAVINGS FUND.—

5 (1) IN GENERAL.—The Secretary of the Army  
6 may make contributions to the Thrift Savings Fund  
7 on behalf of any participant in the pilot program  
8 under subsection (a) for any pay period during the  
9 period of the pilot program.

10 (2) LIMITATIONS.—The amount of any con-  
11 tributions made with respect to a member under  
12 paragraph (1) shall be subject to the provisions of  
13 section 8432(c) of title 5, United States Code.

14 (d) REPORT.—

15 (1) IN GENERAL.—Not later than February 1,  
16 2007, the Secretary of Defense shall submit to the  
17 congressional defense committees a report on the  
18 pilot program under subsection (a).

19 (2) ELEMENTS.—The report shall include the  
20 following:

21 (A) A description of the pilot program, in-  
22 cluding the number of members of the Army  
23 who participated in the pilot program and the  
24 contributions made by the Army to the Thrift

Savings Fund on behalf of such members during the period of the pilot program.

(B) An assessment, based on the pilot program and taking into account the views of officers and senior enlisted personnel of the Army, and of field recruiters, of the extent to which contributions by the military departments to the Thrift Savings Fund on behalf of members of the Armed Forces similar to the participants in the pilot program—

(i) would enhance the recruiting efforts of the Armed Forces; and

(ii) would assist such members in establishing habits of financial responsibility during their initial enlistments in the Armed Forces.

## **TITLE VII—HEALTH CARE**

### **Subtitle A—Benefits Matters**

#### **SEC. 701. CLARIFICATION OF ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ACTIVE DUTY FOLLOWING ISSUANCE OF ORDERS TO ACTIVE DUTY.**

Section 1074(a)(2)(B)(iii) of title 10, United States Code, is amended by inserting before the semicolon the

1 following: “, or the orders have been issued but the mem-  
2 ber has not entered on active duty”.

3 **SEC. 702. LIMITATION ON DEDUCTIBLE AND COPAYMENT**  
4 **REQUIREMENTS FOR NURSING HOME RESI-**  
5 **DENTS UNDER THE PHARMACY BENEFITS**  
6 **PROGRAM.**

7 Section 1074g(a)(6) of title 10, United States Code,  
8 is amended by adding at the end the following new sub-  
9 paragraph:

10 “(C) In the case of a beneficiary who is a resident  
11 of a nursing home and who is required, by State law, to  
12 use nursing home pharmacy services utilizing pre-pack-  
13 aged pharmaceuticals, any deductible or copayment re-  
14 quirements for such pharmaceuticals under the cost shar-  
15 ing requirements may not exceed such deductible or copay-  
16 ment requirements as are applicable under the cost shar-  
17 ing requirements to a beneficiary who uses a network pro-  
18 vider pharmacy under the pharmacy benefits program.”.

19 **SEC. 703. ELIGIBILITY OF SURVIVING ACTIVE DUTY**  
20 **SPOUSES OF DECEASED MEMBERS FOR EN-**  
21 **ROLLMENT AS DEPENDENTS IN A TRICARE**  
22 **DENTAL PLAN.**

23 Section 1076a(k)(2) of title 10, United States Code,  
24 is amended—

1 (1) by striking “under subsection (f), or” and  
 2 inserting “under subsection (f),”; and

3 (2) by inserting after “is not enrolled because  
 4 the dependent is a child under the minimum age for  
 5 enrollment,” the following: “or is not enrolled be-  
 6 cause the dependent is a spouse who did not qualify  
 7 for enrollment on the date of the member’s death be-  
 8 cause the spouse was also on active duty for a period  
 9 of more than 30 days on the date of the member’s  
 10 death,”.

11 **SEC. 704. INCREASED PERIOD OF CONTINUED TRICARE**  
 12 **PRIME COVERAGE OF CHILDREN OF MEM-**  
 13 **BERS OF THE UNIFORMED SERVICES WHO**  
 14 **DIE WHILE SERVING ON ACTIVE DUTY FOR A**  
 15 **PERIOD OF MORE THAN 30 DAYS.**

16 (a) PERIOD OF ELIGIBILITY.—Section 1079(g) of  
 17 title 10, United States Code, is amended—

18 (1) by inserting “(1)” after “(g)”;

19 (2) by striking the second sentence; and

20 (3) by adding at the end the following new  
 21 paragraph:

22 “(2) In addition to any continuation of eligibility for  
 23 benefits under paragraph (1), when a member dies while  
 24 on active duty for a period of more than 30 days, the  
 25 member’s dependents who are receiving benefits under a

1 plan covered by subsection (a) shall continue to be eligible  
2 for benefits under TRICARE Prime during the three-year  
3 period beginning on the date of the member's death, ex-  
4 cept that, in the case of such a dependent of the deceased  
5 who is described by subparagraph (D) or (I) of section  
6 1072(2) of this title, the period of continued eligibility  
7 shall be the longer of the following periods beginning on  
8 such date:

9           “(A) Three years.

10           “(B) The period ending on the date on which  
11 such dependent attains 21 years of age.

12           “(C) In the case of such a dependent who, at  
13 21 years of age, is enrolled in a full-time course of  
14 study in a secondary school or in a full-time course  
15 of study in an institution of higher education ap-  
16 proved by the administering Secretary and was, at  
17 the time of the member's death, in fact dependent  
18 on the member for over one-half of such dependent's  
19 support, the period ending on the earlier of the fol-  
20 lowing dates:

21           “(i) The date on which such dependent  
22 ceases to pursue such a course of study, as de-  
23 termined by the administering Secretary.

24           “(ii) The date on which such dependent at-  
25 tains 23 years of age.

1       “(3) For the purposes of paragraph (2)(C), a depend-  
2   ent shall be treated as being enrolled in a full-time course  
3   of study in an institution of higher education during any  
4   reasonable period of transition between the dependent’s  
5   completion of a full-time course of study in a secondary  
6   school and the commencement of an enrollment in a full-  
7   time course of study in an institution of higher education,  
8   as determined by the administering Secretary.

9       “(4) The terms and conditions under which health  
10   benefits are provided under this chapter to a dependent  
11   of a deceased member under paragraph (2) shall be the  
12   same as those that would apply to the dependent under  
13   this chapter if the member were living and serving on ac-  
14   tive duty for a period of more than 30 days.

15       “(5) In this subsection, the term ‘TRICARE Prime’  
16   means the managed care option of the TRICARE pro-  
17   gram.”.

18       (b) EFFECTIVE DATE.—The amendments made by  
19   subsection (a) shall take effect on October 7, 2001, and  
20   shall apply with respect to deaths occurring on or after  
21   that date.

**Subtitle B—Planning,  
Programming, and Management**

**SEC. 711. TRICARE STANDARD COORDINATORS IN TRICARE  
REGIONAL OFFICES.**

(a) COORDINATOR IN EACH REGIONAL OFFICE.—

(1) IN GENERAL.—In each TRICARE Regional Office there shall be a position the responsibilities of which shall be the monitoring, oversight, and improvement of the TRICARE Standard option in the TRICARE region concerned.

(2) DESIGNATION.—The position under paragraph (1) in a TRICARE Regional Office shall be filled by an individual in such Regional Office designated for that purpose.

(b) DUTIES OF POSITION.—

(1) IN GENERAL.—The specific duties of the positions required under subsection (a) shall be as set forth in regulations prescribed by the Secretary of Defense, in consultation with the other administering Secretaries.

(2) ELEMENTS.—The duties shall include—

(A) identifying health care providers who will participate in the TRICARE program and provide the TRICARE Standard option under that program;

1 (B) communicating with beneficiaries who  
2 receive the TRICARE Standard option;

3 (C) outreach to community health care  
4 providers to encourage their participation in the  
5 TRICARE program; and

6 (D) publication of information that identi-  
7 fies health care providers in the TRICARE re-  
8 gion concerned who provide the TRICARE  
9 Standard option.

10 (c) REPORT.—Not later than 90 days after the date  
11 of the enactment of this Act, the Secretary shall submit  
12 to the congressional defense committees a report setting  
13 forth the plans to implement the requirements of the sec-  
14 tion.

15 (d) DEFINITIONS.—In this section:

16 (1) The terms “administering Secretaries” and  
17 “TRICARE program” have the meaning given such  
18 terms in section 1072 of title 10, United States  
19 Code.

20 (2) The term “TRICARE Standard” means the  
21 Civilian Health and Medical Program of the Uni-  
22 formed Services option under the TRICARE pro-  
23 gram.



1 **SEC. 712. REPORT ON DELIVERY OF HEALTH CARE BENE-**  
2 **FITS THROUGH MILITARY HEALTH CARE SYS-**  
3 **TEM.**

4 (a) REPORT REQUIRED.—Not later than February 1,  
5 2007, the Secretary of Defense shall submit to the con-  
6 gressional defense committees a report on the delivery of  
7 health care benefits through the military health care sys-  
8 tem.

9 (b) ELEMENTS.—The report under subsection (a)  
10 shall include the following:

11 (1) An analysis of the organization and costs of  
12 delivering health care benefits to current and retired  
13 members of the Armed Forces and their families.

14 (2) An analysis of the costs of ensuring medical  
15 readiness throughout the Armed Forces in support  
16 of national security objectives.

17 (3) An assessment of the role of health benefits  
18 in the recruitment and retention of members of the  
19 Armed Forces, whether in the regular components or  
20 the reserve components of the Armed Forces.

21 (4) An assessment of the experience of the mili-  
22 tary departments during fiscal years 2003, 2004,  
23 and 2005 in recruitment and retention of military  
24 and civilian medical and dental personnel, whether  
25 in the regular components or the reserve components

1 of the Armed Forces, in light of military and civilian  
2 medical manpower requirements.

3 (5) A description of requirements for graduate  
4 medical education for military medical care providers  
5 and options for meeting such requirements, includ-  
6 ing civilian medical training programs.

7 (c) RECOMMENDATIONS.—In addition to the matters  
8 specified in subsection (b), the report under subsection (a)  
9 shall also include such recommendations for legislative or  
10 administrative action as the Secretary considers necessary  
11 to improve efficiency and quality in the provision of health  
12 care benefits through the military health care system, in-  
13 cluding recommendations on—

14 (1) the organization and delivery of health care  
15 benefits;

16 (2) mechanisms required to measure costs more  
17 accurately;

18 (3) mechanisms required to measure quality of  
19 care, and access to care, more accurately;

20 (4) other improvements in the efficiency of the  
21 military health care system; and

22 (5) any other matters the Secretary considers  
23 appropriate to improve the efficiency and quality of  
24 military health care benefits.

1 **SEC. 713. COMPTROLLER GENERAL REPORT ON DIFFEREN-**  
2 **TIAL PAYMENTS TO CHILDREN'S HOSPITALS**  
3 **FOR HEALTH CARE FOR CHILDREN DEPEND-**  
4 **ENTS UNDER TRICARE.**

5 (a) STUDY.—The Comptroller General of the United  
6 States shall conduct a study of the effectiveness of the  
7 current system of differential payments to children's hos-  
8 pitals for health care services for severely ill dependent  
9 children of members of the uniformed services under the  
10 TRICARE program in achieving the objective of securing  
11 adequate health care services for such dependent children  
12 under that program.

13 (b) ELEMENTS OF STUDY.—The study required by  
14 subsection (a) shall include the following:

15 (1) A description of the current participation of  
16 children's hospitals in the TRICARE program.

17 (2) An assessment of the current system of dif-  
18 ferential payments to children's hospitals for health  
19 care services described in that subsection, including  
20 an assessment of—

21 (A) the extent to which the calculation of  
22 such differential payments takes into account  
23 the complexity and extraordinary resources re-  
24 quired for the provision of such health care  
25 services;

1           (B) the extent to which such differential  
2           payments provide appropriate compensation to  
3           such hospitals for the provision of such services;  
4           and

5           (C) any obstacles or challenges to the de-  
6           velopment of future modifications to the system  
7           of differential payments.

8           (3) An assessment of the adequacy of the ac-  
9           cess of dependent children described in that sub-  
10          section to specialized hospital services for their ill-  
11          nesses under the TRICARE program.

12          (c) REPORTS.—Not later than May 1, 2006, the  
13          Comptroller General shall submit to the Secretary of De-  
14          fense and the congressional defense committees a report  
15          on the study required by subsection (a), together with such  
16          recommendations, if any, as the Comptroller General con-  
17          siders appropriate for modifications of the current system  
18          of differential payments to children’s hospitals in order to  
19          achieve the objective described in that subsection.

20          (d) TRANSMITTAL TO CONGRESS.—

21               (1) IN GENERAL.—Not later than November 1,  
22          2006, the Secretary of Defense shall transmit to the  
23          congressional defense committees the report sub-  
24          mitted by the Comptroller General to the Secretary  
25          under subsection (c).

1           (2) IMPLEMENTATION OF MODIFICATIONS.—If  
 2       the report under paragraph (1) includes rec-  
 3       ommendations of the Comptroller General for modi-  
 4       fications of the current system of differential pay-  
 5       ments to children’s hospitals, the Secretary shall  
 6       transmit with the report—

7           (A) a proposal for such legislative or ad-  
 8       ministration action as may be required to im-  
 9       plement such modifications; and

10          (B) an assessment and estimate of the  
 11       costs associated with the implementation of  
 12       such modifications.

13       (e) DEFINITIONS.—In this section:

14          (1) DIFFERENTIAL PAYMENTS TO CHILDREN’S  
 15       HOSPITALS.—The term “differential payments to  
 16       children’s hospitals” means the additional amounts  
 17       paid to children’s hospitals under the TRICARE  
 18       program for health care procedures for severely ill  
 19       children in order to take into account the additional  
 20       costs associated with such procedures for such chil-  
 21       dren when compared with the costs associated with  
 22       such procedures for adults and other children.

23          (2) TRICARE PROGRAM.—The term  
 24       “TRICARE program” has the meaning given that

1 term in section 1072(7) of title 10, United States  
2 Code.

3 **SEC. 714. REPEAL OF REQUIREMENT FOR COMPTROLLER**  
4 **GENERAL REVIEWS OF CERTAIN DEPART-**  
5 **MENT OF DEFENSE-DEPARTMENT OF VET-**  
6 **ERANS AFFAIRS PROJECTS ON SHARING OF**  
7 **HEALTH CARE RESOURCES.**

8 (a) JOINT INCENTIVES PROGRAM.—Section 8111(d)  
9 of title 38, United States Code, is amended—

10 (1) by striking paragraph (3); and

11 (2) by redesignating paragraph (4) as para-  
12 graph (3).

13 (b) HEALTH CARE RESOURCES SHARING AND CO-  
14 ORDINATION PROJECT.—Section 722 of the Bob Stump  
15 National Defense Authorization Act for Fiscal Year 2003  
16 (Public Law 107–314; 116 Stat. 2595; 38 U.S.C. 8111  
17 note) is amended—

18 (1) by striking subsection (h);

19 (2) by redesignating subsection (i) as subsection  
20 (h); and

21 (3) in paragraph (2) of subsection (h), as so re-  
22 designated, by striking “based on recommendations”  
23 and all that follows and inserting “as determined by  
24 the Secretaries based on information available to the  
25 Secretaries to warrant such action.”.

1 **SEC. 715. SURVEYS ON TRICARE STANDARD.**

2 Section 723(a) of the National Defense Authorization  
3 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
4 1532; 10 U.S.C. 1073 note) is amended by adding at the  
5 end the following new paragraph:

6 “(4) The surveys required by paragraph (1) shall in-  
7 clude questions designed to determine from health care  
8 providers participating in such surveys whether such pro-  
9 viders are aware of the TRICARE program, what percent-  
10 age of the current patient population of such providers re-  
11 ceive any benefit option under the TRICARE program,  
12 and whether such providers accept patients under the  
13 medicare program or new patients under the medicare  
14 program.”.

15 **SEC. 716. MODIFICATION OF HEALTH CARE QUALITY IN-**  
16 **FORMATION AND TECHNOLOGY ENHANCE-**  
17 **MENT REPORT REQUIREMENTS.**

18 Section 723(e) of the National Defense Authorization  
19 Act for Fiscal Year 2000 (10 U.S.C. 1071 note) is amend-  
20 ed by striking paragraphs (1) through (4) and inserting  
21 the following new paragraphs:

22 “(1) Quality measures, including structure,  
23 process, and outcomes concerning—

24 “(A) patient safety;

25 “(B) timeliness and accessibility of care;

26 “(C) patient satisfaction; and

1 “(D) the use of evidence-based practices.

2 “(2) Population health.

3 “(3) Biosurveillance.”.

4 **SEC. 717. MODIFICATION OF AUTHORITIES RELATING TO**  
 5 **PATIENT CARE REPORTING AND MANAGE-**  
 6 **MENT SYSTEM.**

7 (a) REPEAL OF REQUIREMENT TO LOCATE DEPART-  
 8 MENT OF DEFENSE PATIENT SAFETY CENTER WITHIN  
 9 ARMED FORCES INSTITUTE OF PATHOLOGY.—Subsection  
 10 (c)(3) of section 754 of the Floyd D. Spence National De-  
 11 fense Authorization Act for Fiscal Year 2001 (as enacted  
 12 into law by Public Law 106–398; 114 Stat. 1654A–196)  
 13 is amended by striking “within the Armed Forces Institute  
 14 of Pathology”.

15 (b) RENAMING OF MEDTEAMS PROGRAM.—The cap-  
 16 tion of subsection (d) of such section is amended by strik-  
 17 ing “MEDTEAMS” and inserting “MEDICAL TEAM TRAIN-  
 18 ING”.

19 **Subtitle C—Other Matters**

20 **SEC. 731. REPORT ON ADVERSE HEALTH EVENTS ASSOCI-**  
 21 **ATED WITH USE OF ANTI-MALARIAL DRUGS.**

22 (a) STUDY REQUIRED.—

23 (1) IN GENERAL.—The Secretary of Defense  
 24 shall conduct a study of adverse health events that



1       may be associated with use of anti-malarial drugs,  
2       including mefloquine.

3           (2) PARTICIPATION OF CERTAIN RESEARCH-  
4       ERS.—The Secretary shall ensure the participation  
5       in the study of epidemiological and clinical research-  
6       ers of the Federal Government outside the Depart-  
7       ment of Defense, and of epidemiological and clinical  
8       researchers outside the Federal Government.

9       (b) MATTERS COVERED.—The study required by sub-  
10      section (a) shall include the following:

11           (1) A comparison of adverse health events that  
12       may be associated with different anti-malarial drugs,  
13       including mefloquine.

14           (2) An analysis of the extent to which  
15       mefloquine may be a risk factor contributing to sui-  
16       cides among members of the Armed Forces.

17       (c) REPORT.—Not later than one year after the date  
18       of the enactment of this Act, the Secretary shall submit  
19       to the congressional defense committees a report on the  
20       study required by subsection (a).

1 **SEC. 732. PILOT PROJECTS ON EARLY DIAGNOSIS AND**  
2 **TREATMENT OF POST TRAUMATIC STRESS**  
3 **DISORDER AND OTHER MENTAL HEALTH**  
4 **CONDITIONS.**

5 (a) PILOT PROJECTS REQUIRED.—The Secretary of  
6 Defense shall carry out not less than three pilot projects  
7 to evaluate the efficacy of various approaches to improving  
8 the capability of the military and civilian health care sys-  
9 tems to provide early diagnosis and treatment of Post  
10 Traumatic Stress Disorder (PTSD) and other mental  
11 health conditions.

12 (b) PILOT PROJECT REQUIREMENTS.—

13 (1) MOBILIZATION—DEMOBILIZATION FACIL-  
14 ITY.—

15 (A) IN GENERAL.—One of the pilot  
16 projects under subsection (a) shall be carried  
17 out at a military medical facility at a large mili-  
18 tary installation at which the mobilization or  
19 demobilization of members of the Armed Forces  
20 occurs.

21 (B) ELEMENTS.—The pilot project under  
22 this paragraph shall be designed to evaluate  
23 and produce effective diagnostic and treatment  
24 approaches for use by primary care providers in  
25 the military health care system in order to im-  
26 prove the capability of such providers to diag-

1           nose and treat Post Traumatic Stress Disorder  
2           in a manner that avoids the referral of patients  
3           to specialty care by a psychiatrist or other men-  
4           tal health professional.

5           (2) NATIONAL GUARD OR RESERVE FACILITY.—

6                 (A) IN GENERAL.—One of the pilot  
7           projects under subsection (a) shall be carried  
8           out at the location of a National Guard or Re-  
9           serve unit or units that are located more than  
10          40 miles from a military medical facility and  
11          whose personnel are served primarily by civilian  
12          community health resources.

13                (B) ELEMENTS.—The pilot project under  
14          this paragraph shall be designed—

15                   (i) to evaluate approaches for pro-  
16           viding evidence-based clinical information  
17           on Post Traumatic Stress Disorder to civil-  
18           ian primary care providers; and

19                   (ii) to develop educational materials  
20           and other tools for use by members of the  
21           National Guard or Reserve who come into  
22           contact with other members of the Na-  
23           tional Guard or Reserve who may suffer  
24           from Post Traumatic Stress Disorder in

1                   order to encourage and facilitate early re-  
2                   porting and referral for treatment.

3                   (3) INTERNET-BASED DIAGNOSIS AND TREAT-  
4           MENT.—One of the pilot projects under subsection  
5           (a) shall be designed to evaluate—

6                   (A) Internet-based automated tools avail-  
7                   able to military and civilian health care pro-  
8                   viders for the early diagnosis and treatment of  
9                   Post Traumatic Stress Disorder, and for track-  
10                  ing patients who suffer from Post Traumatic  
11                  Stress Disorder; and

12                  (B) Internet-based tools available to family  
13                  members of members of the Armed Forces in  
14                  order to assist such family members in the  
15                  identification of the emergence of Post Trau-  
16                  matic Stress Disorder.

17                  (c) REPORT.—Not later than June 1, 2006, the Sec-  
18           retary shall submit to the congressional defense commit-  
19           tees a report on the pilot projects to be carried out under  
20           this section. The report shall include a description of each  
21           such pilot project, including the location of the pilot  
22           projects under paragraphs (2) and (3) of subsection (b),  
23           and the scope and objectives of each such pilot project.

1 **TITLE VIII—ACQUISITION POL-**  
2 **ICY, ACQUISITION MANAGE-**  
3 **MENT, AND RELATED MAT-**  
4 **TERS**

5 **Subtitle A—Acquisition Policy and**  
6 **Management**

7 **SEC. 801. INTERNAL CONTROLS FOR PROCUREMENTS ON**  
8 **BEHALF OF THE DEPARTMENT OF DEFENSE.**

9 (a) INSPECTOR GENERAL REVIEWS AND DETER-  
10 MINATIONS.—

11 (1) IN GENERAL.—For each non-defense agency  
12 of the Federal Government that procured property  
13 or services in excess of \$100,000,000 on behalf of  
14 the Department of Defense during fiscal year 2005,  
15 the Inspector General of the Department of Defense  
16 and the Inspector General of such non-defense agen-  
17 cy shall, not later than March 15, 2006, jointly—

18 (A) review—

19 (i) the procurement policies, proce-  
20 dures, and internal controls of such non-  
21 defense agency that are applicable to the  
22 procurement of property and services on  
23 behalf of the Department by such non-de-  
24 fense agency; and

1 (ii) the administration of those poli-  
2 cies, procedures, and internal controls; and

3 (B) determine in writing whether—

4 (i) such non-defense agency is compli-  
5 ant with defense procurement require-  
6 ments;

7 (ii) such non-defense agency is not  
8 compliant with defense procurement re-  
9 quirements, but made significant progress  
10 during 2005 toward ensuring compliance  
11 with defense procurement requirements; or

12 (iii) neither of the conclusions stated  
13 in clauses (i) and (ii) is correct in the case  
14 of such non-defense agency.

15 (2) ACTIONS FOLLOWING CERTAIN DETERMINA-  
16 TIONS.—If the Inspectors General determine under  
17 paragraph (1) that the conclusion stated in clause  
18 (ii) or (iii) of subparagraph (B) of such paragraph  
19 is correct in the case of a non-defense agency, those  
20 Inspectors General shall, not later than March 15,  
21 2007, jointly—

22 (A) conduct a second review, as described  
23 in paragraph (1)(A), regarding such non-de-  
24 fense agency's procurement of property or serv-

1           ices on behalf of the Department of Defense in  
2           fiscal year 2006; and

3                   (B) determine in writing whether such  
4           non-defense agency is or is not compliant with  
5           defense procurement requirements.

6           (b) COMPLIANCE WITH DEFENSE PROCUREMENT  
7 REQUIREMENTS.—For the purposes of this section, a non-  
8 defense agency is compliant with defense procurement re-  
9 quirements if such non-defense agency’s procurement poli-  
10 cies, procedures, and internal controls applicable to the  
11 procurement of products and services on behalf of the De-  
12 partment of Defense, and the manner in which they are  
13 administered, are adequate to ensure such non-defense  
14 agency’s compliance with the requirements of laws and  
15 regulations that apply to procurements of property and  
16 services made directly by the Department of Defense.

17           (c) MEMORANDA OF UNDERSTANDING BETWEEN IN-  
18 SPECTORS GENERAL.—

19                   (1) IN GENERAL.—Not later than 30 days after  
20           the date of the enactment of this Act, the Inspector  
21           General of the Department of Defense and the In-  
22           spector General of each non-defense agency referred  
23           to in subsection (a) shall enter into a memorandum  
24           of understanding with each other to carry out the

1        reviews and make the determinations required by  
2        this section.

3            (2) SCOPE OF MEMORANDA.—The Inspector  
4        General of the Department of Defense and the In-  
5        spector General of a non-defense agency may by mu-  
6        tual agreement conduct separate reviews of the pro-  
7        curement of property and services on behalf of the  
8        Department of Defense that are conducted by sepa-  
9        rate business units, or under separate government-  
10       wide acquisition contracts, of such non-defense agen-  
11       cy. In any case where such separate reviews are con-  
12       ducted, the Inspectors General shall make separate  
13       determinations under paragraphs (1) and (2) of sub-  
14       section (a), as applicable, with respect to each such  
15       separate review.

16        (d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF  
17       DEPARTMENT OF DEFENSE.—

18            (1) LIMITATION DURING REVIEW PERIOD.—  
19        After March 15, 2006, and before March 16, 2007,  
20        no official of the Department of Defense may, except  
21        as provided in subsection (e) or (f), order, purchase,  
22        or otherwise procure property or services in an  
23        amount in excess of \$100,000 through a non-defense  
24        agency for which a determination described in para-



graph (1)(B)(iii) of subsection (a) has been made under that subsection.

(2) LIMITATION AFTER REVIEW PERIOD.—After March 15, 2007, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of \$100,000 through a non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a particular non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a non-defense

1 agency under paragraph (1) is in effect for the pe-  
2 riod, not in excess of one year, that the Under Sec-  
3 retary of Defense for Acquisition, Technology, and  
4 Logistics shall specify in the written determination.  
5 The Under Secretary may extend from time to time,  
6 for up to one year at a time, the period for which  
7 the written determination remains in effect.

8 (f) TERMINATION OF APPLICABILITY OF LIMITA-  
9 TIONS.—Subsection (d) shall cease to apply to a non-de-  
10 fense agency on the date on which the Inspector General  
11 of the Department of Defense and the Inspector General  
12 of that agency jointly—

13 (1) determine that such non-defense agency is  
14 compliant with defense procurement requirements;  
15 and

16 (2) notify the Secretary of Defense of that de-  
17 termination.

18 (g) IDENTIFICATION OF PROCUREMENTS MADE  
19 DURING A PARTICULAR FISCAL YEAR.—For the purposes  
20 of subsection (a), a procurement shall be treated as being  
21 made during a particular fiscal year to the extent that  
22 funds are obligated by the Department of Defense for that  
23 procurement in that fiscal year.

24 (h) INAPPLICABILITY TO CERTAIN GSA CON-  
25 TRACTS.—This section does not apply as follows:

1           (1) To Client Support Centers of the Federal  
2           Technology Service of the General Services Adminis-  
3           tration, which are subject to review under section  
4           802 of the Ronald W. Reagan National Defense Au-  
5           thorization Act for Fiscal Year 2005 (Public Law  
6           108–375; 118 Stat. 2004; 10 U.S.C. 2302).

7           (2) To any purchase through the multiple  
8           award schedules established by the Administrator of  
9           General Services, as described in section 2302(2)(C)  
10          of title 10, United States Code, unless such pur-  
11          chase is made through—

12                   (A) a non-defense agency other than the  
13                   General Services Administration; or

14                   (B) a business unit of the General Services  
15                   Administration that is not responsible for ad-  
16                   ministering the multiple award schedules pro-  
17                   gram.

18          (i) DEFINITIONS.—In this section:

19           (1) The term “non-defense agency” means a  
20           department or agency of the Federal Government  
21           outside the Department of Defense, except as ex-  
22           cluded under subsection (h).

23           (2) The term “governmentwide acquisition con-  
24           tract”, with respect to a non-defense agency, means  
25           a task or delivery order contract that—

1 (A) is entered into by the non-defense  
2 agency; and

3 (B) may be used as the contract under  
4 which property or services are procured for one  
5 or more other departments or agencies of the  
6 Federal Government.

7 **SEC. 802. CONTRACT SUPPORT ACQUISITION CENTERS.**

8 (a) ESTABLISHMENT.—

9 (1) ORGANIZATION; DUTIES.—Subchapter I of  
10 chapter 8 of title 10, United States Code, is amend-  
11 ed by adding at the end the following new section:

12 **“§ 197. Contract Support Acquisition Centers**

13 “(a) ESTABLISHMENT.—(1) The Secretary of De-  
14 fense shall establish within the Defense Logistics Agency  
15 a Defense Contract Support Acquisition Center.

16 “(2) The Secretary of each military department shall  
17 establish a Contract Support Acquisition Center for that  
18 military department.

19 “(b) DIRECTOR.—(1) The Director of a Contract  
20 Support Acquisition Center is the head of the Center.

21 “(2)(A) The Secretary of Defense shall appoint the  
22 Director of the Defense Contract Support Acquisition  
23 Center.

1       “(B) The Secretary of a military department shall  
2 appoint the Director of the Contract Support Acquisition  
3 Center of that department.

4       “(3) The Director of a Contract Support Acquisition  
5 Center shall be selected from among commissioned officers  
6 of the armed forces on active duty and senior civilian offi-  
7 cers and employees of the Department of Defense who  
8 have substantial experience in the acquisition of contract  
9 services.

10       “(c) DUTIES REGARDING ACQUISITIONS.—(1)(A)  
11 The Director of the Defense Contract Support Acquisition  
12 Center shall act as the executive agent within the Depart-  
13 ment of Defense for each acquisition of contract services  
14 in excess of the simplified acquisition threshold for the De-  
15 partment of Defense, other than an acquisition referred  
16 to in subparagraph (B).

17       “(B) The Director of the Contract Support Acquisi-  
18 tion Center of a military department shall act as the exec-  
19 utive agent within that military department for each ac-  
20 quisition of contract services in excess of the simplified  
21 acquisition threshold for such military department.

22       “(2) In carrying out paragraph (1), the Director of  
23 a Center shall—

24               “(A) develop and maintain policies, procedures,  
25 and best practices guidelines addressing the acquisi-

tion of contract services for the Secretary appointing the Director, including policies, procedures, and best practices guidelines for—

“(i) acquisition planning;

“(ii) solicitation and contract award;

“(iii) requirements development and management;

“(iv) contract tracking and oversight;

“(v) performance evaluation; and

“(vi) risk management;

“(B) assign responsibility for carrying out the acquisition of contract services to employees of the Center and other appropriate organizational elements under the jurisdiction of that Secretary;

“(C) dedicate fulltime commodity managers to coordinate the acquisition of key categories of services;

“(D) ensure that contract services being acquired to meet the Secretary’s requirements for those services are acquired by means of a contract, or a task or delivery order, that—

“(i) is in the best interests of the Department of Defense or, in the case of the Director of the Center for a military department, the best interests of that military department; and

1           “(ii) is entered into or issued, and is man-  
2           aged, in compliance with applicable laws, regu-  
3           lations, and directives, and other applicable re-  
4           quirements;

5           “(E) ensure that competitive procedures and  
6           performance-based contracting are used to the max-  
7           imum extent practicable for the acquisition of con-  
8           tract services for that Secretary; and

9           “(F) monitor data collection under section  
10          2330a of this title and periodically conduct a spend-  
11          ing analysis to ensure that funds expended for the  
12          acquisition of contract services for the Secretary are  
13          being expended in the most rational and economical  
14          manner practicable.

15          “(d) DUTIES REGARDING ACQUISITION PER-  
16          SONNEL.—The Directors of the Contract Support Acquisi-  
17          tion Centers shall work with appropriate officials of the  
18          Department of Defense—

19               “(1) to identify the critical skills and com-  
20               petencies needed to carry out the acquisition of con-  
21               tract services on behalf of the Department of De-  
22               fense; and

23               “(2) to develop a comprehensive strategy for re-  
24               cruiting, training, and deploying employees to meet  
25               the requirements for those skills and competencies.

1       “(e) SCOPE OF AUTHORITY.—The authority of the  
2 Director of a Contract Support Acquisition Center under  
3 this section applies to acquisitions in excess of the sim-  
4 plified acquisition threshold.

5       “(f) EXCLUSIVITY OF AUTHORITY.—(1) After Sep-  
6 tember 30, 2009, no officer or employee of the Federal  
7 Government outside the Defense Contract Support Acqui-  
8 sition Center may, without the prior written approval of  
9 the Director of the Center or the Secretary of Defense,  
10 engage in a procurement action for the acquisition of con-  
11 tract services for the Department of Defense that is valued  
12 in excess of the simplified acquisition threshold, other than  
13 a procurement action covered by paragraph (2).

14       “(2) After September 30, 2009, no officer or em-  
15 ployee of the Federal Government outside the Contract  
16 Support Acquisition Center of a military department may,  
17 without the prior written approval of the Director of the  
18 Center, the Secretary of Defense, or the Secretary of that  
19 military department, engage in a procurement action for  
20 the acquisition of contract services for that military de-  
21 partment that is valued in excess of the simplified acquisi-  
22 tion threshold.

23       “(3) In this subsection, the term ‘procurement action’  
24 includes the following actions:



1           “(A) Entry into a contract or any other form  
2           of agreement.

3           “(B) Issuance of a task order, delivery order, or  
4           military interdepartmental purchase request.

5           “(g) STAFF AND SUPPORT.—(1) The Secretary ap-  
6           pointing the Director of a Contract Support Acquisition  
7           Center shall ensure that the Director of the Center is pro-  
8           vided a staff and administrative support that are adequate  
9           for the Director to perform the duties of the position  
10          under this section effectively.

11          “(2) The Secretary of Defense may transfer to the  
12          Defense Contract Support Acquisition Center any per-  
13          sonnel within the Department of Defense whose principal  
14          duty is the acquisition of contract services for the Depart-  
15          ment of Defense.

16          “(3) The Secretary of a military department may  
17          transfer to the Contract Support Acquisition Center of  
18          that military department any personnel within such mili-  
19          tary department whose principal duty is the acquisition  
20          of contract services for that military department.

21          “(h) TRANSFERS OF NONDEFENSE ORGANIZA-  
22          TIONS.—(1) Except as provided in paragraph (5), the Sec-  
23          retary of Defense may accept from the head of a depart-  
24          ment or agency outside the Department of Defense a  
25          transfer to any of the Contract Support Acquisition Cen-

1 ters of all or part of any organizational unit of such other  
2 department or agency that is primarily engaged in the ac-  
3 quisition of contract services if, during the most recent  
4 year for which data are available before such transfer,  
5 more than 50 percent of the contract services acquired by  
6 such organizational unit (determined on the basis of cost)  
7 were acquired on behalf of the Department of Defense.

8 “(2) The head of a department or agency outside the  
9 Department of Defense may transfer in accordance with  
10 this section an organizational unit that is authorized to  
11 be accepted under paragraph (1).

12 “(3) A transfer under this subsection may be made  
13 and accepted only pursuant to a memorandum of under-  
14 standing that is entered into by the head of the depart-  
15 ment or agency making the transfer and the Secretary of  
16 Defense.

17 “(4) A transfer of an organizational unit under this  
18 section shall include the transfer of the personnel of such  
19 organizational unit, the assets of such organizational unit,  
20 and the contracts of such organizational unit, to the extent  
21 provided in the memorandum of understanding governing  
22 the transfer of the unit.

23 “(5) This section does not authorize a transfer of the  
24 multiple award schedule program of the General Services

1 Administration described in section 2302(2)(C) of this  
2 title.

3 “(i) SIMPLIFIED ACQUISITION THRESHOLD.—In this  
4 section, the term ‘simplified acquisition threshold’ has the  
5 meaning given that term in section 2302(7) of this title.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-  
7 tions at the beginning of such subchapter is amend-  
8 ed by adding at the end the following new item:

“197. Contract Support Acquisition Centers.”.

9 (b) IMPLEMENTATION.—

10 (1) PHASED IMPLEMENTATION OF DIRECTOR’S  
11 AUTHORITY TO ACT AS EXECUTIVE AGENT.—Not-  
12 withstanding subsections (c)(1) and (e) of section  
13 197 of title 10, United States Code (as added by  
14 subsection (a)), the authority of the Director of a  
15 Contract Support Acquisition Center to act under  
16 such section as executive agent for acquisitions of  
17 contract services before October 1, 2009, applies  
18 only with respect to—

19 (A) contracts in excess of \$10,000,000  
20 that are entered into after September 30, 2006,  
21 and before October 1, 2009; and

22 (B) any other acquisitions of contract serv-  
23 ices that, as designated by the Secretary who  
24 appointed the Director, are to be carried out for  
25 that Secretary by the Director.

1           (2)   PROCUREMENT   MANAGEMENT   STRUC-  
2           TURE.—The Secretary of Defense shall implement  
3           section 2330 of title 10, United States Code (relat-  
4           ing to a management structure for the procurement  
5           of services for the Department of Defense), by desig-  
6           nating each Director of the Contract Support Acqui-  
7           sition Center appointed under section 197 of such  
8           title (as added by subsection (a)) to act as executive  
9           agent for the management of the procurements of  
10          services carried out for the Secretary appointing  
11          such Director with respect to—

12                   (A) all contracts in excess of \$10,000,000  
13                   that are entered into after September 30, 2006,  
14                   and before October 1, 2009; and

15                   (B) all contracts in excess of the simplified  
16                   acquisition threshold (as defined in section  
17                   2302(7) of such title) that are entered into  
18                   after September 30, 2009.

19           (3)   COMPLIANCE WITH CERTAIN PUBLIC LAW  
20           108–375 REQUIREMENTS.—For compliance with the  
21           requirements of section 854 of the Ronald W.  
22           Reagan National Defense Authorization Act for Fis-  
23           cal Year 2005 (Public Law 108–375; 118 Stat.  
24           2022, 10 U.S.C. 2304 note), the Secretary con-  
25           cerned shall designate the Director of the Contract

1 Support Acquisition Center appointed by that Sec-  
2 retary to act as the executive agent of that Secretary  
3 to review and approve the use of a contract for the  
4 acquisition of contract services that—

5 (A) is entered into after September 30,  
6 2006, by a department or agency outside the  
7 Department of Defense; and

8 (B) if entered into—

9 (i) before October 1, 2009, is valued  
10 in excess of \$10,000,000; or

11 (ii) after September 30, 2009, is val-  
12 ued in excess of the simplified acquisition  
13 threshold (as defined in section 2302(7) of  
14 title 10, United States Code).

15 (4) SECRETARY CONCERNED DEFINED.—In  
16 paragraph (3), the term “Secretary concerned”  
17 means the head of an agency named in subsection  
18 (f)(1) of section 854 of the Ronald W. Reagan Na-  
19 tional Defense Authorization Act for Fiscal Year  
20 2005 (Public Law 108–375; 118 Stat. 2022; 10  
21 U.S.C. 2304 note).

1 **SEC. 803. AUTHORITY TO ENTER INTO ACQUISITION AND**  
 2 **CROSS-SERVICING AGREEMENTS WITH RE-**  
 3 **GIONAL ORGANIZATIONS OF WHICH THE**  
 4 **UNITED STATES IS NOT A MEMBER.**

5 (a) ACQUISITION AGREEMENTS.—Section 2341(1) of  
 6 title 10, United States Code, is amended by striking “of  
 7 which the United States is a member”.

8 (b) CROSS-SERVICING AGREEMENTS.—Section  
 9 2342(a)(1)(C) of such title is amended by striking “of  
 10 which the United States is a member”.

11 (c) CONFORMING AMENDMENT.—Section 2344(b)(4)  
 12 of such title is amended by striking “of which the United  
 13 States is a member”.

14 **SEC. 804. REQUIREMENT FOR AUTHORIZATION FOR PRO-**  
 15 **CUREMENT OF MAJOR WEAPON SYSTEMS AS**  
 16 **COMMERCIAL ITEMS.**

17 (a) REQUIREMENT FOR AUTHORIZATION.—

18 (1) IN GENERAL.—Chapter 140 of title 10,  
 19 United States Code, is amended by adding at the  
 20 end the following new section:

21 **“§ 2379. Requirement for authorization for procure-**  
 22 **ment of major weapon systems as com-**  
 23 **mercial items**

24 “(a) REQUIREMENT FOR AUTHORIZATION.—A major  
 25 weapon system of the Department of Defense may be  
 26 treated as a commercial item, or purchased under proce-

1 dures established for the procurement of commercial  
 2 items, only if specifically authorized by Congress.

3 “(b) TREATMENT OF SUBSYSTEMS AND COMPO-  
 4 NENTS AS COMMERCIAL ITEMS.—A subsystem or compo-  
 5 nent of a major weapon system shall be treated as a com-  
 6 mercial item and purchased under procedures established  
 7 for the procurement of commercial items if such sub-  
 8 system or component otherwise meets the requirements for  
 9 treatment as a commercial item.

10 “(c) MAJOR WEAPON SYSTEM DEFINED.—In this  
 11 section, the term ‘major weapon system’ means a weapon  
 12 system acquired pursuant to a major defense acquisition  
 13 program (as that term is defined in section 2430 of this  
 14 title).”.

15 (2) CLERICAL AMENDMENT.—The table of sec-  
 16 tions at the beginning of chapter 140 of such title  
 17 is amended by adding at the end the following new  
 18 item:

“2379. Requirement for authorization for procurement of major weapon systems  
 as commercial items.”.

19 (b) EFFECTIVE DATE.—The amendments made by  
 20 subsection (a) shall take effect on the date of the enact-  
 21 ment of this Act, and shall apply to contracts entered on  
 22 or after such date.

1 **SEC. 805. REPORT ON SERVICE SURCHARGES FOR PUR-**  
2 **CHASES MADE FOR MILITARY DEPARTMENTS**  
3 **THROUGH OTHER DEPARTMENT OF DEFENSE**  
4 **AGENCIES.**

5 (a) **REPORTS BY MILITARY DEPARTMENTS.**—For  
6 each of fiscal years 2005 and 2006, the Secretary of each  
7 military department shall, not later than 60 days after the  
8 last day of that fiscal year, submit to the Under Secretary  
9 of Defense for Acquisition, Technology, and Logistics a  
10 report on the service charges imposed on such military de-  
11 partment for purchases in amounts greater than the sim-  
12 plified acquisition threshold that were made for that mili-  
13 tary department during such fiscal year through a con-  
14 tract entered into by an agency of the Department of De-  
15 fense other than that military department. The report  
16 shall specify the amounts of the service charges and iden-  
17 tify the services provided in exchange for such charges.

18 (b) **ANALYSIS OF MILITARY DEPARTMENT RE-**  
19 **PORTS.**—Not later than 90 days after receiving a report  
20 of the Secretary of a military department for a fiscal year  
21 under subsection (a), the Under Secretary of Defense for  
22 Acquisition, Technology, and Logistics shall review the  
23 service charges delineated in such report for the acqui-  
24 sitions covered by the report and the services provided in  
25 exchange for such charges and shall compare those  
26 charges with the costs of the alternative means for making



1 such acquisitions. The analysis shall include the Under  
 2 Secretary's determinations of whether the imposition and  
 3 amounts of the service charges were reasonable.

4 (c) REPORT TO CONGRESS.—Not later than April 1,  
 5 2006 (for reports for fiscal year 2005 under subsection  
 6 (a)), and not later than April 1, 2007 (for reports for fis-  
 7 cal year 2006 under subsection (a)), the Under Secretary  
 8 of Defense for Acquisition, Technology, and Logistics shall  
 9 submit to the congressional defense committees a report  
 10 on the reports submitted by the Secretaries of the military  
 11 departments under subsection (a), together with the  
 12 Under Secretary's determinations under subsection (b)  
 13 with regard to the matters set forth in those reports.

14 (d) SIMPLIFIED ACQUISITION THRESHOLD DE-  
 15 FINED.—In this section, the term “simplified acquisition  
 16 threshold” has the meaning given such term in section  
 17 4(11) of the Office of Federal Procurement Policy Act (41  
 18 U.S.C. 403(11)).

19 **SEC. 806. REVIEW OF DEFENSE ACQUISITION STRUCTURES.**

20 (a) REVIEW BY DEFENSE ACQUISITION UNIVER-  
 21 SITY.—The Defense Acquisition University, acting under  
 22 the direction and authority of the Under Secretary of De-  
 23 fense for Acquisition, Technology, and Logistics, shall con-  
 24 duct a review of the acquisition structure of the Depart-

1 ment of Defense, including the acquisition structure of the  
2 following:

3 (1) Each military department.

4 (2) Each defense agency.

5 (3) Any other element of the Department of  
6 Defense that has an acquisition function.

7 (b) ELEMENTS.—

8 (1) IN GENERAL.—In reviewing the acquisition  
9 structure of an organization under subsection (a),  
10 the Defense Acquisition University shall—

11 (A) determine the current structure of the  
12 organization;

13 (B) review the evolution of the current  
14 structure of the organization, including the rea-  
15 sons for each reorganization of the structure,  
16 and identify any acquisition structures or capa-  
17 bilities that have been divested from the organi-  
18 zation during the last 15 years;

19 (C) identify the capabilities needed by the  
20 organization to fulfill its function and assess  
21 the capacity of the organization, as currently  
22 structured, to provide such capabilities; and

23 (D) identify any gaps, shortfalls, or inad-  
24 equacies relating to acquisitions in the current  
25 structure of the organization.

1           (2) EMPHASIS IN REVIEW.—In conducting the  
2       review of acquisition structures under subsection (a),  
3       the University shall place special emphasis on con-  
4       sideration of—

5           (A) structures and processes for joint ac-  
6       quisition, including actions that may be needed  
7       to improve such structures and processes; and

8           (B) actions that may be needed to improve  
9       acquisition outcomes.

10       (c) PRIORITY ON COMPLETION OF REVIEW OF AC-  
11       QUISITION STRUCTURE OF DEPARTMENT OF AIR  
12       FORCE.—In conducting the review of acquisition struc-  
13       tures under subsection (a), the Defense Acquisition Uni-  
14       versity shall give a priority to a review of the acquisition  
15       structure of the Department of the Air Force.

16       (d) FUNDING.—The Under Secretary of Defense for  
17       Acquisition, Technology, and Logistics shall provide the  
18       Defense Acquisition University the funds required to con-  
19       duct the review under subsection (a).

20       (e) REPORTS.—

21           (1) INTERIM REPORT ON STRUCTURE OF DE-  
22       PARTMENT OF AIR FORCE.—Not later than one year  
23       after the date of the enactment of this Act, the De-  
24       fense Acquisition University shall submit to the con-  
25       gressional defense committees an interim report ad-

1 dressing the acquisition structure of the Department  
2 of the Air Force.

3 (2) FINAL REPORT ON REVIEW.—Not later  
4 than 180 days after the completion of the review re-  
5 quired by subsection (a), the University shall submit  
6 to the Under Secretary of Defense for Acquisition,  
7 Technology, and Logistics a report on the review.  
8 The report shall include a separate annex on the ac-  
9 quisition structure on each organization covered by  
10 the review, which annex—

11 (A) shall address the matters specified  
12 under subsection (b) with respect to such orga-  
13 nization; and

14 (B) may include such recommendations  
15 with respect to such organization as the Univer-  
16 sity considers appropriate.

17 (3) TRANSMITTAL OF FINAL REPORT.—Not  
18 later than 90 days after the receipt of the report  
19 under paragraph (2), the Under Secretary shall  
20 transmit to the congressional defense committees a  
21 copy of the report, together with the comments of  
22 the Under Secretary on the report.

23 (f) DEFENSE ACQUISITION UNIVERSITY DEFINED.—

24 In this section, the term “Defense Acquisition University”

1 means the Defense Acquisition University established pur-  
 2 suant to section 1746 of title 10, United States Code.

## 3       **Subtitle B—Defense Industrial** 4                   **Base Matters**

5 **SEC. 811. CLARIFICATION OF EXCEPTION FROM BUY AMER-**  
 6                   **ICAN REQUIREMENTS FOR PROCUREMENT**  
 7                   **OF PERISHABLE FOOD FOR ESTABLISH-**  
 8                   **MENTS OUTSIDE THE UNITED STATES.**

9       Section 2533a(d)(3) of title 10, United States Code,  
 10 is amended by inserting “, or for,” after “perishable foods  
 11 by”.

12 **SEC. 812. CONDITIONAL WAIVER OF DOMESTIC SOURCE OR**  
 13                   **CONTENT REQUIREMENTS FOR CERTAIN**  
 14                   **COUNTRIES WITH RECIPROCAL DEFENSE**  
 15                   **PROCUREMENT AGREEMENTS WITH THE**  
 16                   **UNITED STATES.**

17       (a) **AUTHORITY FOR ANNUAL WAIVER.**—Subchapter  
 18 V of chapter 148 of title 10, United States Code, is  
 19 amended by adding at the end the following new section:

20 **“§ 2539c. Domestic source or content requirements:**  
 21                   **one-year waiver for certain countries**  
 22                   **with reciprocal defense procurement**  
 23                   **agreements with the United States**

24       “(a) **WAIVER AUTHORITY.**—Subject to subsection  
 25 (g), upon making a determination under subsection (b)

1 that a foreign country described by that subsection has  
2 not qualitatively or quantitatively increased exports of de-  
3 fense items, as determined by the Secretary of Defense  
4 for purposes of this section, to the People's Republic of  
5 China during the fiscal year in which such determination  
6 is made, the Secretary of Defense may waive the applica-  
7 tion of any domestic source requirement or domestic con-  
8 tent requirement referred to in subsection (c) and thereby  
9 authorize the procurement of items that are grown, re-  
10 processed, reused, produced, or manufactured in such for-  
11 eign country during the fiscal year following the fiscal year  
12 in which such determination is made.

13 “(b) ANNUAL DETERMINATIONS.—Not later than  
14 September 30 each fiscal year, the Secretary of Defense  
15 may determine whether or not a foreign country with  
16 which the United States had in force during such fiscal  
17 year a reciprocal defense procurement memorandum of  
18 understanding or agreement qualitatively or quantitatively  
19 increased exports of defense items to the People's Republic  
20 of China during such fiscal year. Each such determination  
21 shall be in writing.

22 “(c) COVERED REQUIREMENTS.—For purposes of  
23 this section:

24 “(1) A domestic source requirement is any re-  
25 quirement under law that the Department of De-

1       fense satisfy its requirements for an item by pro-  
2       curing an item that is grown, reprocessed, reused,  
3       produced, or manufactured in the United States or  
4       by a manufacturer that is a part of the national  
5       technology and industrial base (as defined in section  
6       2500(1) of this title).

7               “(2) A domestic content requirement is any re-  
8       quirement under law that the Department of De-  
9       fense satisfy its requirements for an item by pro-  
10      curing an item produced or manufactured partly or  
11      wholly from components and materials grown, re-  
12      processed, reused, produced, or manufactured in the  
13      United States.

14      “(d) EFFECTIVE PERIOD OF WAIVER.—Any waiver  
15      of the application of any domestic source requirement or  
16      domestic content with respect to a foreign country under  
17      subsection (a) shall be effective only for the fiscal year  
18      following the fiscal year in which is made the determina-  
19      tion on which such waiver is based.

20      “(e) LIMITATION ON DELEGATION.—The authority  
21      of the Secretary of Defense to waive the application of  
22      domestic source or content requirements under subsection  
23      (a) may not be delegated to any officer or employee other  
24      than the Deputy Secretary of Defense or the Under Sec-

1   retary of Defense for Acquisition, Technology, and Logis-  
2   ties.

3       “(f) CONSULTATIONS.—The Secretary of Defense  
4   may grant a waiver of the application of a domestic source  
5   or content requirement under subsection (a) only after  
6   consultation with the United States Trade Representative,  
7   the Secretary of Commerce, and the Secretary of State.

8       “(g) LAWS NOT WAIVABLE.—The Secretary of De-  
9   fense may not exercise the authority under subsection (a)  
10  to waive any domestic source or content requirement con-  
11  tained in any of the following laws:

12           “(1) The Small Business Act (15 U.S.C. 631 et  
13       seq.).

14           “(2) The Javits-Wagner-O’Day Act (41 U.S.C.  
15       46 et seq.).

16           “(3) Section 2533a of this title.

17           “(4) Sections 7309 and 7310 of this title.

18       “(h) RELATIONSHIP TO OTHER WAIVER AUTHOR-  
19  ITY.—The authority under subsection (a) to waive a do-  
20  mestic source requirement or domestic content require-  
21  ment is in addition to any other authority to waive such  
22  requirement.

23       “(i) CLARIFICATION OF RELATIONSHIP WITH BUY  
24  AMERICAN ACT.—Nothing in this section shall be con-  
25  strued to alter in any way the applicability of the Buy



1 American Act (41 U.S.C. 10a), or the authority of the  
 2 Secretary of Defense to waive the requirements of such  
 3 Act, with respect to the procurement of any item to which  
 4 such Act would apply without regard to this section.

5 “(j) CONSTRUCTION WITH RESPECT TO LATER EN-  
 6 ACTED LAWS.—This section may not be construed as  
 7 being inapplicable to a domestic source requirement or do-  
 8 mestic content requirement that is set forth in a law en-  
 9 acted after the enactment of this section solely on the  
 10 basis of the later enactment of such law.”.

11 (b) CLERICAL AMENDMENT.—The table of sections  
 12 at the beginning of subchapter V of such chapter is  
 13 amended by adding at the end the following new item:

“2539e. Domestic source or content requirements: one-year waiver for certain  
 countries with reciprocal defense procurement agreements with  
 the United States.”.

14 **SEC. 813. CONSISTENCY WITH UNITED STATES OBLIGA-**  
 15 **TIONS UNDER TRADE AGREEMENTS.**

16 No provision of this Act or any amendment made by  
 17 this Act shall apply to a procurement by or for the Depart-  
 18 ment of Defense to the extent that the Secretary of De-  
 19 fense, in consultation with the Secretary of Commerce, the  
 20 United States Trade Representative, and the Secretary of  
 21 State, determines that it is inconsistent with United  
 22 States obligations under a trade agreement.

1 **SEC. 814. IDENTIFICATION OF AREAS OF RESEARCH AND**  
2 **DEVELOPMENT EFFORT FOR PURPOSES OF**  
3 **SMALL BUSINESS INNOVATION RESEARCH**  
4 **PROGRAM.**

5 (a) REVISION AND UPDATE OF CRITERIA AND PRO-  
6 CEDURES OF IDENTIFICATION.—The Secretary of Defense  
7 shall, not less often than once every four years, revise and  
8 update the criteria and procedures utilized to identify  
9 areas of the research and development effort of the De-  
10 partment of Defense which are suitable for the provision  
11 of funds under the Small Business Innovation Research  
12 Program.

13 (b) UTILIZATION OF PLANS.—The criteria and proce-  
14 dures described in subsection (a) shall be developed  
15 through the use of the most current versions of the fol-  
16 lowing plans:

17 (1) The joint warfighting science and tech-  
18 nology plan required under section 270 of the Na-  
19 tional Defense Authorization Act for Fiscal Year  
20 1997 (10 U.S.C. 2501 note).

21 (2) The Defense Technology Area Plan of the  
22 Department of Defense.

23 (3) The Basic Research Plan of the Depart-  
24 ment of Defense.

25 (c) INPUT IN IDENTIFICATION OF AREAS OF EF-  
26 FORT.—The criteria and procedures described in sub-

1 section (a) shall include input in the identification of areas  
2 of research and development effort described in that sub-  
3 section from Department of Defense program managers  
4 (PMs) and program executive officers (PEOs).

5 (d) IDENTIFICATION OF RESEARCH PROGRAMS FOR  
6 ACCELERATED TRANSITION TO ACQUISITION PROCESS.—

7 (1) IN GENERAL.—The Secretary of each mili-  
8 tary department shall identify research programs  
9 that have successfully completed Phase II of the  
10 Small Business Innovation Research Program and  
11 that have the potential for rapid transitioning to  
12 Phase III and into the acquisition process.

13 (2) LIMITATION.—No research program may be  
14 identified under paragraph (1) unless the Secretary  
15 of the military department concerned certifies in  
16 writing that the successful transition of the program  
17 to Phase III and into the acquisition process is ex-  
18 pected to meet high priority military requirements of  
19 such military department.

20 (3) REPORT.—The Secretary shall submit to  
21 the congressional defense committees a report set-  
22 ting forth the research programs identified under  
23 paragraph (1). The report shall include a description  
24 of the requirements intended to be met by each pro-  
25 gram identified in the report.

1 (e) SMALL BUSINESS INNOVATION RESEARCH PRO-  
 2 GRAM DEFINED.—In this section, the term “Small Busi-  
 3 ness Innovation Research Program” has the meaning  
 4 given that term in section 2500(11) of title 10, United  
 5 States Code.

## 6 **Subtitle C—Defense Contractor** 7 **Matters**

### 8 **SEC. 821. REQUIREMENTS FOR DEFENSE CONTRACTORS** 9 **RELATING TO CERTAIN FORMER DEPART-** 10 **MENT OF DEFENSE OFFICIALS.**

11 (a) REQUIREMENTS.—

12 (1) IN GENERAL.—Chapter 141 of title 10,  
 13 United States Code, is amended by adding at the  
 14 end the following new section:

#### 15 **“§ 2410p. Defense contractors: requirements con-** 16 **cerning former Department of Defense of-** 17 **ficials**

18 “(a) IN GENERAL.—Each contract for the procure-  
 19 ment of goods or services in excess of \$10,000,000, other  
 20 than a contract for the procurement of commercial items,  
 21 that is entered into by the Department of Defense shall  
 22 include a provision under which the contractor agrees to  
 23 submit to the Secretary of Defense, not later than April  
 24 1 of each year such contract is in effect, a written report  
 25 setting forth the information required by subsection (b).

1       “(b) REPORT INFORMATION.—A report by a con-  
2 tractor under subsection (a) shall—

3               “(1) list the name of each person who—

4                       “(A) is a former officer or employee of the  
5 Department of Defense or a former or retired  
6 member of the armed forces; and

7                       “(B) during the preceding calendar year  
8 was provided compensation by the contractor, if  
9 such compensation was first provided by the  
10 contractor—

11                      “(i) not more than two years after  
12 such officer, employee, or member left  
13 service in the Department of Defense; and

14                      “(ii) not more than two years before  
15 the date on which the report is required to  
16 be submitted; and

17               “(2) in the case of each person listed under  
18 paragraph (1)—

19                      “(A) identify the agency in which such per-  
20 son was employed or served on active duty dur-  
21 ing the last two years of such person’s service  
22 with the Department of Defense;

23                      “(B) state such person’s job title and iden-  
24 tify each major defense system, if any, on which  
25 such person performed any work with the De-

1           partment of Defense during the last two years  
2           of such person’s service with the Department;  
3           and

4           “(C) state such person’s current job title  
5           with the contractor and identify each major de-  
6           fense system on which such person has per-  
7           formed any work on behalf of the contractor.”.

8           (2) CLERICAL AMENDMENT.—The table of sec-  
9           tions at the beginning of chapter 141 of such title  
10          is amended by adding at the end the following new  
11          item:

“2410p. Defense contractors: requirements concerning former Department of  
Defense officials.”.

12          (b) EFFECTIVE DATE.—The amendments made by  
13          subsection (a) shall take effect on the date of the enact-  
14          ment of this Act, and shall apply with respect to contracts  
15          entered into on or after that date.

16   **SEC. 822. REVIEW OF CERTAIN CONTRACTOR ETHICS MAT-**  
17                           **TERS.**

18          (a) IN GENERAL.—The Secretary of Defense shall,  
19          in consultation with the Director of the Office of Govern-  
20          ment Ethics and the Administrator for Federal Procure-  
21          ment Policy, conduct a review of the ethics considerations  
22          raised by the following:

1           (1) The performance by contractor employees of  
2           functions closely associated with inherently govern-  
3           mental functions.

4           (2) The performance by contractor employees of  
5           other functions historically performed by Govern-  
6           ment employees in the Federal workplace.

7           (b) OPTIONS TO BE ADDRESSED.—The review under  
8           subsection (a) shall include the consideration of a broad  
9           range of options for addressing the ethics considerations  
10          described in that subsection, including—

11           (1) amending the Federal Acquisition Regula-  
12           tion to address ethics and personal conflict of inter-  
13           est concerns for contractor employees;

14           (2) implementing the Federal Acquisition Regu-  
15           lation, as so amended, through the incorporation of  
16           appropriate provisions in Federal agency contracts  
17           and in the solicitations for such contracts;

18           (3) requiring such contracts and solicitations to  
19           state that contractor employees will be bound by cer-  
20           tain ethics standards, whether contractor-imposed or  
21           Government-imposed;

22           (4) encouraging Federal agency personnel to  
23           consider including provisions in contracts and solici-  
24           tations that address conflict of interest issues and

1       require contractor personnel to receive training on  
2       Government ethics rules; and

3           (5) continuing to identify and mitigate conflicts  
4       and ethics concerns involving contractor personnel  
5       on a case-by-case basis.

6       (c) REPORT.—

7           (1) IN GENERAL.—Not later than 6 months  
8       after the date of the enactment of this Act, the Sec-  
9       retary shall submit to the congressional defense com-  
10      mittees a report setting forth the findings and rec-  
11      ommendations of the Secretary as a result of the re-  
12      view under subsection (a) and the consideration of  
13      options under subsection (b).

14          (2) ADDITIONAL VIEWS.—The report under  
15      paragraph (1) shall set forth the views, if any, of the  
16      Director of the Office of Government Ethics and the  
17      Administrator for Federal Procurement Policy on  
18      the matters covered by the report.

19      (d) FUNCTIONS CLOSELY ASSOCIATED WITH INHER-  
20      ENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this  
21      section, the term “functions closely associated with inher-  
22      ently governmental functions” has the meaning given such  
23      term in section 2383(b)(3) of title 10, United States Code.



1 **SEC. 823. CONTRACT FRAUD RISK ASSESSMENT.**

2 (a) RISK ASSESSMENT TEAM.—(1) Not later than 30  
3 days after the date of the enactment of this Act, the Sec-  
4 retary of Defense shall establish a risk assessment team  
5 to assess the vulnerability of Department of Defense con-  
6 tracts to fraud, waste, and abuse.

7 (2) The risk assessment team shall be chaired by the  
8 Inspector General of the Department of Defense and shall  
9 include representatives of the Defense Logistics Agency,  
10 the Defense Contract Management Agency, the Defense  
11 Contract Audit Agency, the Army, the Navy, and the Air  
12 Force.

13 (3) The risk assessment team shall—

14 (A) review the contracting systems and internal  
15 controls of the Department of Defense and the sys-  
16 tems and controls of prime contractors of the De-  
17 partment of Defense to identify areas of vulner-  
18 ability of Department of Defense contracts to fraud,  
19 waste, and abuse; and

20 (B) prepare a report on the results of its re-  
21 view.

22 (4) Not later than six months after the date of the  
23 enactment of this Act, the chairman of the risk assessment  
24 team shall submit the report prepared under paragraph  
25 (3)(B) to the Secretary of Defense and the congressional  
26 defense committees.

1       (b) COMPTROLLER GENERAL REVIEW.—(1) Not  
2 later than 60 days after the date on which the report of  
3 the risk assessment team is submitted under subsection  
4 (a)(4), the Comptroller General of the United States  
5 shall—

6           (A) review the methodology used by the risk as-  
7 sessment team and the results of the team’s review;  
8 and

9           (B) submit a report on the Comptroller Gen-  
10 eral’s review to the congressional defense commit-  
11 tees.

12       (2) The report under paragraph (1)(B) shall include  
13 the Comptroller General’s findings and any recommenda-  
14 tions that the Comptroller considers appropriate.

15       (c) ACTION PLAN.—Not later than three months  
16 after receiving the report of the risk assessment team  
17 under subsection (a)(4), the Secretary of Defense shall de-  
18 velop and submit to the congressional defense committees  
19 a plan of actions for addressing the areas of vulnerability  
20 identified in the report. If the Secretary determines that  
21 no action is necessary with regard to an area of vulner-  
22 ability, the report shall include a discussion of the ration-  
23 ale for that determination.

## **Subtitle D—Defense Acquisition** **Workforce Matters**

### **SEC. 831. AVAILABILITY OF FUNDS IN ACQUISITION WORK-** **FORCE TRAINING FUND FOR DEFENSE AC-** **QUISITION WORKFORCE IMPROVEMENTS.**

(a) AVAILABILITY OF DEPARTMENT OF DEFENSE CONTRACT FEES FOR DEFENSE ACQUISITION UNIVERSITY.—Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended—

(1) in subsection (a), by striking “This section” and inserting “Except as otherwise provided, this section”; and

(2) in subsection (h)(3)—

(A) in subparagraph (B), by striking “(other than the Department of Defense)” in the first sentence;

(B) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E), (F), (G), and (H), respectively;

(C) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) The Administrator of General Services shall credit to the Defense Acquisition University fees collected in accordance with subparagraph (B) from the Department of De-

1           fense. Amounts so credited shall be used to de-  
 2           velop and expand training for the defense ac-  
 3           quisition workforce.”; and

4                   (D) in subparagraph (E), as so redesign-  
 5           nated, by striking “the purpose specified in sub-  
 6           paragraph (A)” and inserting “the purposes  
 7           specified in subparagraphs (A) and (D)”.

8           (b) CONFORMING AMENDMENT.—Section 1412 of the  
 9   National Defense Authorization Act for Fiscal year 2004  
 10   (Public Law 108–136; 117 Stat. 1664; 41 U.S.C. 433  
 11   note) is amended by striking subsection (c).

12   **SEC. 832. LIMITATION AND REINVESTMENT AUTHORITY RE-**  
 13                   **LATING TO REDUCTION OF THE DEFENSE AC-**  
 14                   **QUISITION AND SUPPORT WORKFORCE.**

15           (a) LIMITATION.—Notwithstanding any other provi-  
 16   sion of law, the defense acquisition and support workforce  
 17   may not be reduced, during fiscal years 2006, 2007, and  
 18   2008, below the level of that workforce as of September  
 19   30, 2004, determined on the basis of full-time employee  
 20   equivalence, except as may be necessary to strengthen the  
 21   defense acquisition and support workforce in higher pri-  
 22   ority positions in accordance with this section.

23           (b) INCREASE AND REALIGNMENT OF WORK-  
 24   FORCE.—(1)(A) During fiscal years 2006, 2007, and  
 25   2008, the Secretary of Defense shall increase the number

1 of persons employed in the defense acquisition and support  
2 workforce as follows:

3 (i) During fiscal year 2006, to 105 percent of  
4 the baseline number (as defined in subparagraph  
5 (B)).

6 (ii) During fiscal year 2007, to 110 percent of  
7 the baseline number.

8 (iii) During fiscal year 2008, to 115 percent of  
9 the baseline number.

10 (B) In this paragraph, the term “baseline number”,  
11 with respect to persons employed in the defense acquisi-  
12 tion and support workforce, means the number of persons  
13 employed in such workforce as of September 30, 2004 (de-  
14 termined on the basis of full-time employee equivalence).

15 (C) The Secretary of Defense may waive a require-  
16 ment in subparagraph (A) and, subject to subsection (a),  
17 employ in the defense acquisition and support workforce  
18 a lesser number of employees if the Secretary determines  
19 and certifies to the congressional defense committees that  
20 the cost of increasing such workforce to the larger size  
21 as required under that subparagraph would exceed the  
22 savings to be derived from the additional oversight that  
23 would be achieved by having a defense acquisition and  
24 support workforce of such larger size.

1       (2) During fiscal years 2006, 2007, and 2008, the  
2 Secretary of Defense may realign any part of the defense  
3 acquisition and support workforce to support reinvestment  
4 in other, higher priority positions in such workforce.

5       (c) HIGHER PRIORITY POSITIONS.—For the purposes  
6 of this section, higher priority positions in the defense ac-  
7 quisition and support workforce include the following posi-  
8 tions:

9           (1) Positions the responsibilities of which in-  
10 clude system engineering.

11          (2) Positions the responsibilities of which in-  
12 clude drafting performance-based work statements  
13 for services contracts and overseeing the perform-  
14 ance of contracts awarded pursuant to such work  
15 statements.

16          (3) Positions the responsibilities of which in-  
17 clude conducting spending analyses, negotiating  
18 company-wide pricing agreements, and taking other  
19 measures to reduce contract costs.

20          (4) Positions the responsibilities of which in-  
21 clude reviewing contractor quality control systems,  
22 assessing and analyzing quality deficiency reports,  
23 and taking other measures to improve product qual-  
24 ity.

1           (5) Positions the responsibilities of which in-  
2           clude effectively conducting public-private competi-  
3           tions in accordance with Office of Management and  
4           Budget Circular A-76.

5           (6) Any other positions in the defense acquisi-  
6           tion and support workforce that the Secretary of De-  
7           fense identifies as being higher priority positions  
8           that are staffed at levels not likely to ensure efficient  
9           and effective performance of all of the responsibil-  
10          ities of those positions.

11          (d) STRATEGIC ASSESSMENT AND PLAN.—(1) The  
12        Secretary of Defense shall—

13                (A) assess the extent to which the Department  
14                of Defense can recruit, retain, train, and provide  
15                professional development opportunities for acquisi-  
16                tion professionals over the 10-fiscal year period be-  
17                ginning with fiscal year 2006; and

18                (B) develop a human resources strategic plan  
19                for the defense acquisition and support workforce  
20                that includes objectives and planned actions for im-  
21                proving the management of such workforce.

22          (2) The Secretary shall submit to Congress, not later  
23        than April 1, 2006, a report on the progress made in—

24                (A) completing the assessment required under  
25                paragraph (1); and

1 (B) completing and implementing the strategic  
2 plan required under such paragraph.

3 (e) DEFENSE ACQUISITION AND SUPPORT WORK-  
4 FORCE DEFINED.—In this section, the term “defense ac-  
5 quisition and support workforce” means members of the  
6 Armed Forces and civilian personnel who are assigned to,  
7 or are employed in, an organization of the Department  
8 of Defense that has acquisition as its predominant mis-  
9 sion, as determined by the Secretary of Defense.

10 **SEC. 833. TECHNICAL AMENDMENTS RELATING TO DE-**  
11 **FENSE ACQUISITION WORKFORCE IMPROVE-**  
12 **MENTS.**

13 Section 1732 of title 10, United States Code, is  
14 amended—

15 (1) in subsection (c)—

16 (A) by striking “(b)(2)(A) and (b)(2)(B)”  
17 each place it appears in paragraphs (1) and (2)  
18 and inserting “(b)(1)(A) and (b)(1)(B)”; and

19 (B) by striking paragraph (3); and

20 (2) in subsection (d)(2), by striking  
21 “(b)(2)A(ii)” and inserting “(b)(1)(A)(ii)”.



## 1                   **Subtitle E—Other Matters**

### 2   **SEC. 841. EXTENSION OF CONTRACT GOAL FOR SMALL DIS-** 3                   **ADVANTAGED BUSINESS AND CERTAIN INSTI-** 4                   **TUTIONS OF HIGHER EDUCATION.**

5           Section 2323(k) of title 10, United States Code, is  
 6 amended by striking “2006” both places it appears and  
 7 inserting “2009”.

### 8   **SEC. 842. CODIFICATION AND MODIFICATION OF LIMITA-** 9                   **TION ON MODIFICATION OF MILITARY EQUIP-** 10                  **MENT WITHIN FIVE YEARS OF RETIREMENT** 11                  **OR DISPOSAL.**

12           (a) CODIFICATION AND MODIFICATION OF LIMITA-  
 13 TION.—

14           (1) IN GENERAL.—Chapter 141 of title 10,  
 15 United States Code, as amended by section  
 16 821(a)(1) of this Act, is further amended by adding  
 17 at the end the following new section:

#### 18   **“§ 2410q. Modification of equipment within five years** 19                  **of retirement or disposal**

20           “(a) IN GENERAL.—Except as provided in subsection  
 21 (b), a military department may not modify an aircraft,  
 22 vessel, weapon, or other item of equipment if the military  
 23 department plans to retire or otherwise dispose of such  
 24 equipment within 5 years of the date of the completion  
 25 of such modification.

1       “(b) EXCEPTIONS.—The prohibition in subsection (a)  
2 shall not apply to any modification as follows:

3               “(1) A modification for safety purposes.

4               “(2) Any other modification but only if the ag-  
5 gregate cost of all such modifications for the air-  
6 craft, vessel, weapon, or other item of equipment  
7 concerned during any fiscal year, including any pro-  
8 curement, installation, or removal costs, is less than  
9 \$100,000.

10       “(c) WAIVER.—The Secretary of a military depart-  
11 ment may waive the prohibition in subsection (a) with re-  
12 spect to a modification referred to in that subsection if  
13 such Secretary—

14               “(1) determines that the waiver is in the na-  
15 tional security interests of the United States; and

16               “(2) notifies the congressional defense commit-  
17 tees of such determination in writing.”.

18       (2) CLERICAL AMENDMENT.—The table of sec-  
19 tions at the beginning of such chapter, as amended  
20 by section 821(a)(2) of this Act, is further amended  
21 by adding at the end the following new item:

“2410q. Modification of equipment within five years of retirement or disposal.”.

22       (b) REPEAL OF SUPERSEDED LIMITATION.—Section  
23 8053 of the Department of Defense Appropriations Act,  
24 1998 (Public Law 105–56; 111 Stat. 1232; 10 U.S.C.  
25 2241 note) is repealed.

1 **SEC. 843. CLARIFICATION OF RAPID ACQUISITION AUTHOR-**  
2 **ITY TO RESPOND TO COMBAT EMERGENCIES.**

3 (a) SCOPE OF AUTHORITY.—Subsection (c) of section  
4 806 of the Bob Stump National Defense Authorization  
5 Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amend-  
6 ed—

7 (1) by striking “combat capability” each place  
8 it appears; and

9 (2) by striking “fatalities” each place it appears  
10 and inserting “casualties”.

11 (b) DELEGATION OF AUTHORITY.—Such subsection  
12 is further amended in paragraph (1) by inserting “below  
13 the Deputy Secretary of Defense” after “delegation”.

14 (c) WAIVER AUTHORITY.—Subsection (d)(1) of such  
15 section is further amended—

16 (1) in subparagraph (B), by striking “or”;

17 (2) in subparagraph (C), by striking the period  
18 and inserting “; or”; and

19 (3) by adding at the end the following new sub-  
20 paragraph:

21 “(D) domestic source or content restrictions  
22 that would inhibit or impede the rapid acquisition of  
23 the equipment.”.

1 **SEC. 844. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN PROTOTYPE PROJECTS.**

3 Section 845 of the National Defense Authorization  
4 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-  
5 ed—

6 (1) in subsection (a)—

7 (A) by striking “The Director” and insert-  
8 ing “(1) Subject to paragraph (2), the Direc-  
9 tor”; and

10 (B) by adding at the end the following new  
11 paragraph:

12 “(2) The authority of this section—

13 “(A) does not extend to any prototype project  
14 that is expected to cost in excess of \$100,000,000;  
15 and

16 “(B) may be exercised for a prototype project  
17 that is expected to cost in excess of \$20,000,000  
18 only upon a written determination by the senior pro-  
19 curement executive for the agency (as designated for  
20 the purpose of section 16(c) of the Office of Federal  
21 Procurement Policy Act (41 U.S.C. 414(c)) that—

22 “(i) the requirements of subsection (d) will  
23 be met; and

24 “(ii) the use of a standard contract, grant,  
25 or cooperative agreement for such project is not  
26 feasible or appropriate.”;

1           (2) by redesignating subsection (h) as sub-  
2       section (i); and

3           (3) by inserting after subsection (g) the fol-  
4       lowing new subsection (h):

5       “(h) APPLICABILITY OF PROCUREMENT ETHICS RE-  
6       QUIREMENTS.—An agreement entered into under the au-  
7       thority of this section shall be treated as a Federal agency  
8       procurement for the purposes of section 27 of the Office  
9       of Federal Procurement Policy Act (41 U.S.C. 423).”.

10   **SEC. 845. EXTENSION OF CERTAIN AUTHORITIES ON CON-**  
11                   **TRACTING WITH EMPLOYERS OF PERSONS**  
12                   **WITH DISABILITIES.**

13       Section 853 of the Ronald W. Reagan National De-  
14       fense Authorization Act for Fiscal Year 2005 (Public Law  
15       108–375; 118 Stat. 2021) is amended by striking “Sep-  
16       tember 30, 2005” in subsections (a)(2)(A) and (b)(2)(A)  
17       and inserting “September 30, 2006”.

1 **TITLE IX—DEPARTMENT OF DE-**  
2 **FENSE ORGANIZATION AND**  
3 **MANAGEMENT**

4 **Subtitle A—Duties and Functions**  
5 **of Department of Defense Offi-**  
6 **cers and Organizations**

7 **SEC. 901. DIRECTORS OF SMALL BUSINESS PROGRAMS.**

8 (a) REDESIGNATION OF EXISTING POSITIONS AND  
9 OFFICES.—(1) Each of the following positions within the  
10 Department of Defense is redesignated as the Director of  
11 Small Business Programs:

12 (A) The Director of Small and Disadvantaged  
13 Business Utilization of the Department of Defense.

14 (B) The Director of Small and Disadvantaged  
15 Business Utilization of the Department of the Army.

16 (C) The Director of Small and Disadvantaged  
17 Business Utilization of the Department of the Navy.

18 (D) The Director of Small and Disadvantaged  
19 Business Utilization of the Department of the Air  
20 Force.

21 (2) Each of the following offices within the Depart-  
22 ment of Defense is redesignated as the Office of Small  
23 Business Programs:

24 (A) The Office of Small and Disadvantaged  
25 Business Utilization of the Department of Defense.

1 (B) The Office of Small and Disadvantaged  
2 Business Utilization of the Department of the Army.

3 (C) The Office of Small and Disadvantaged  
4 Business Utilization of the Department of the Navy.

5 (D) The Office of Small and Disadvantaged  
6 Business Utilization of the Department of the Air  
7 Force.

8 (3) Any reference in any law, regulation, document,  
9 paper, or other record of the United States to a position  
10 or office redesignated by paragraph (1) or (2) shall be  
11 deemed to be a reference to the position or office as so  
12 redesignated.

13 (b) DEPARTMENT OF DEFENSE POSITION AND OF-  
14 FICE.—(1) Chapter 4 of title 10, United States Code, is  
15 amended by inserting after section 133b the following new  
16 section:

17 **“§ 133c. Director of Small Business Programs**

18 “(a) DIRECTOR.—There is a Director of Small Busi-  
19 ness Programs in the Department of Defense. The Direc-  
20 tor is appointed by the Secretary of Defense.

21 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The  
22 Office of Small Business Programs of the Department of  
23 Defense is the office that is established within the Office  
24 of the Secretary of Defense under section 15(k) of the

1 Small Business Act (15 U.S.C. 644(k)). The Director of  
 2 Small Business Programs is the head of such office.

3 “(c) DUTIES AND POWERS.—(1) The Director of  
 4 Small Business Programs shall, subject to paragraph (2),  
 5 perform such duties regarding small business programs of  
 6 the Department of Defense, and shall exercise such powers  
 7 regarding those programs, as the Secretary of Defense  
 8 may prescribe.

9 “(2) Section 15(k) of the Small Business Act (15  
 10 U.S.C. 644(k)), except for the designations of the Director  
 11 and the Office, applies to the Director of Small Business  
 12 Programs.”.

13 (2) The table of sections at the beginning of such  
 14 chapter is amended by inserting after the item relating  
 15 to section 133b the following new item:

“133c. Director of Small Business Programs.”.

16 (c) DEPARTMENT OF THE ARMY POSITION AND OF-  
 17 FICE.—(1) Chapter 303 of title 10, United States Code,  
 18 is amended by adding at the end the following new section:

19 **“§ 3024. Director of Small Business Programs**

20 “(a) DIRECTOR.—There is a Director of Small Busi-  
 21 ness Programs in the Department of the Army. The Direc-  
 22 tor is appointed by the Secretary of the Army.

23 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The  
 24 Office of Small Business Programs of the Department of  
 25 the Army is the office that is established within the De-



1 partment of the Army under section 15(k) of the Small  
 2 Business Act (15 U.S.C. 644(k)). The Director of Small  
 3 Business Programs is the head of such office.

4 “(c) DUTIES AND POWERS.—(1) The Director of  
 5 Small Business Programs shall, subject to paragraph (2),  
 6 perform such duties regarding small business programs of  
 7 the Department of the Army, and shall exercise such pow-  
 8 ers regarding those programs, as the Secretary of the  
 9 Army may prescribe.

10 “(2) Section 15(k) of the Small Business Act (15  
 11 U.S.C. 644(k)), except for the designations of the Director  
 12 and the Office, applies to the Director of Small Business  
 13 Programs.”.

14 (2) The table of sections at the beginning of such  
 15 chapter is amended by adding at the end the following  
 16 new item:

“3024. Director of Small Business Programs.”.

17 (d) DEPARTMENT OF THE NAVY POSITION AND OF-  
 18 FICE.—(1) Chapter 503 of title 10, United States Code,  
 19 is amended by adding at the end the following new section:

20 **“§ 5028. Director of Small Business Programs**

21 “(a) DIRECTOR.—There is a Director of Small Busi-  
 22 ness Programs in the Department of the Navy. The Direc-  
 23 tor is appointed by the Secretary of the Navy.

24 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The  
 25 Office of Small Business Programs of the Department of

1 the Navy is the office that is established within the De-  
 2 partment of the Navy under section 15(k) of the Small  
 3 Business Act (15 U.S.C. 644(k)). The Director of Small  
 4 Business Programs is the head of such office.

5 “(c) DUTIES AND POWERS.—(1) The Director of  
 6 Small Business Programs shall, subject to paragraph (2),  
 7 perform such duties regarding small business programs of  
 8 the Department of the Navy, and shall exercise such pow-  
 9 ers regarding those programs, as the Secretary of the  
 10 Navy may prescribe.

11 “(2) Section 15(k) of the Small Business Act (15  
 12 U.S.C. 644(k)), except for the designations of the Director  
 13 and the Office, applies to the Director of Small Business  
 14 Programs.”.

15 (2) The table of sections at the beginning of such  
 16 chapter is amended by adding at the end the following  
 17 new item:

“5028. Director of Small Business Programs.”.

18 (d) DEPARTMENT OF THE AIR FORCE POSITION AND  
 19 OFFICE.—(1) Chapter 803 of title 10, United States  
 20 Code, is amended by adding at the end the following new  
 21 section:

22 **“§ 8024. Director of Small Business Programs**

23 “(a) DIRECTOR.—There is a Director of Small Busi-  
 24 ness Programs in the Department of the Air Force. The  
 25 Director is appointed by the Secretary of the Air Force.

1       “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The  
 2 Office of Small Business Programs of the Department of  
 3 the Air Force is the office that is established within the  
 4 Department of the Air Force under section 15(k) of the  
 5 Small Business Act (15 U.S.C. 644(k)). The Director of  
 6 Small Business Programs is the head of such office.

7       “(c) DUTIES AND POWERS.—(1) The Director of  
 8 Small Business Programs shall, subject to paragraph (2),  
 9 perform such duties regarding small business programs of  
 10 the Department of the Air Force, and shall exercise such  
 11 powers regarding those programs, as the Secretary of the  
 12 Air Force may prescribe.

13       “(2) Section 15(k) of the Small Business Act (15  
 14 U.S.C. 644(k)), except for the designations of the Director  
 15 and the Office, applies to the Director of Small Business  
 16 Programs.”.

17       (2) The table of sections at the beginning of such  
 18 chapter is amended by adding at the end the following  
 19 new item:

“8024. Director of Small Business Programs.”.

20 **SEC. 902. EXECUTIVE AGENT FOR ACQUISITION OF CAPA-**  
 21 **BILITIES TO DEFEND THE HOMELAND**  
 22 **AGAINST CRUISE MISSILES AND OTHER LOW-**  
 23 **ALTITUDE AIRCRAFT.**

24       (a) DESIGNATION OF EXECUTIVE AGENT.—The Sec-  
 25 retary of Defense shall designate an official within the De-

1 partment of Defense to act as executive agent to manage  
2 the acquisition of capabilities necessary to defend the  
3 homeland against cruise missiles, unmanned aerial vehi-  
4 cles, and other low altitude aircraft that may be launched  
5 against the United States.

6 (b) COORDINATION OF ACTIVITIES.—The official des-  
7 ignated as executive agent under subsection (a) shall, in  
8 order to promote commonality and limit duplication of ef-  
9 fort, coordinate in the acquisition of capabilities described  
10 in that subsection with appropriate officials of the fol-  
11 lowing:

12 (1) The Missile Defense Agency.

13 (2) The Joint Theater Air and Missile Defense  
14 Organization.

15 (3) The United States Northern Command.

16 (4) The United States Strategic Command.

17 (5) Such other elements of the Department of  
18 Defense, and of other departments and agencies of  
19 the United States Government, as the Secretary con-  
20 sider appropriate for purposes of this section.

21 (c) PLAN FOR DEFENSE AGAINST ATTACK.—

22 (1) PLAN REQUIRED.—Not later than 180 days  
23 after the date of the enactment of this Act, the Sec-  
24 retary of Defense shall submit to the congressional  
25 defense committees a plan for the defense of the

1 United States against cruise missiles, unmanned  
2 aerial vehicles, and other low altitude aircraft that  
3 may be launched against the United States.

4 (2) FOCUS OF PLAN.—In developing the plan,  
5 the Secretary shall focus on the role of Department  
6 of Defense components in the defense of the United  
7 States against an attack described in paragraph (1),  
8 but shall also address the role, if any, of other de-  
9 partments and agencies of the United States Gov-  
10 ernment in that defense.

11 (3) ELEMENTS.—The plan shall include the fol-  
12 lowing:

13 (A) An identification of the capabilities re-  
14 quired by the Department of Defense in order  
15 to fulfill its mission to defend the homeland  
16 against cruise missiles, unmanned aerial vehi-  
17 cles, and other low altitude aircraft, and an  
18 identification of any current shortfalls in such  
19 capabilities.

20 (B) A schedule for implementing the plan.

21 (C) A statement of the funding required to  
22 implement the Department of Defense portion  
23 of the plan.

24 (D) An identification of the roles and mis-  
25 sions, if any, of other departments and agencies

1 of the United States Government in contrib-  
 2 uting to the defense of the United States  
 3 against attack described in subparagraph (A).

4 (4) SCOPE OF PLAN.—The plan shall be coordi-  
 5 nated with Department of Defense plans for defend-  
 6 ing the United States against attack by short-range  
 7 to medium-range ballistic missiles.

## 8 **Subtitle B—Space Activities**

### 9 **SEC. 911. ADVISORY COMMITTEE ON DEPARTMENT OF DE-** 10 **FENSE REQUIREMENTS FOR SPACE CON-** 11 **TROL.**

12 (a) ADVISORY COMMITTEE REQUIRED.—

13 (1) IN GENERAL.—The Secretary of Defense  
 14 shall provide for an advisory committee to review  
 15 and assess Department of Defense requirements for  
 16 space control.

17 (2) NEW OR EXISTING ADVISORY COM-  
 18 MITTEE.—The Secretary may carry out paragraph  
 19 (1) through the establishment of a new advisory  
 20 committee, or the utilization of a current advisory  
 21 committee, meeting the requirements of subsection  
 22 (b)(1).

23 (b) MEMBERSHIP AND ADMINISTRATION OF ADVI-  
 24 SORY COMMITTEE.—

1           (1) MEMBERSHIP.—The advisory committee  
2       under subsection (a) shall consist of individuals from  
3       among officers and employees of the Federal Gov-  
4       ernment, and private citizens of the United States,  
5       with knowledge and expertise in national security  
6       space policy.

7           (2) ADMINISTRATION.—The Secretary shall es-  
8       tablish appropriate procedures for the administra-  
9       tion of the advisory committee for purposes of this  
10      section, including designation of the chairman of the  
11      advisory committee from among its members.

12          (3) SECURITY CLEARANCES.—All members of  
13      the advisory committee shall hold security clearances  
14      appropriate for the work of the advisory committee.

15          (4) FIRST MEETING.—The advisory committee  
16      shall convene its first meeting for purposes of this  
17      section not later than 30 days after the date on  
18      which all members of the advisory committee have  
19      been selected for such purposes.

20          (c) DUTIES.—The advisory committee shall conduct  
21      a review and assessment of the following:

22           (1) The requirements of the Department of De-  
23      fense for its space control mission and the efforts of  
24      the Department to fulfill such requirements.

1           (2) Whether or not the Department of Defense  
2           is allocating appropriate resources to fulfill the cur-  
3           rent space control mission of the Department when  
4           compared with the allocation by the Department of  
5           resources to other military space missions.

6           (3) The plans of the Department of Defense to  
7           meet its future space control mission.

8           (d) INFORMATION FROM FEDERAL AND STATE  
9           AGENCIES.—

10           (1) IN GENERAL.—The advisory committee may  
11           secure directly from the Department of Defense,  
12           from any other department or agency of the Federal  
13           Government, and any State government any infor-  
14           mation that the advisory committee considers nec-  
15           essary to carry out its duties under this section.

16           (2) LIAISON.—The Secretary of Defense shall  
17           designate at least one senior civilian employee of the  
18           Department of Defense and at least one general or  
19           flag officer of an Armed Force to serve as liaison be-  
20           tween the Department, the Armed Forces, and the  
21           advisory committee for purposes of this section.

22           (e) REPORT.—

23           (1) IN GENERAL.—Not later than 6 months  
24           after the date of the first meeting of the advisory  
25           committee under subsection (b)(4), the advisory



1       committees shall submit to the Secretary of Defense  
2       and the congressional defense committees a report  
3       on the results of the review and assessment under  
4       subsection (c).

5           (2) ELEMENTS.—The report shall include—

6                (A) the findings and conclusions of the ad-  
7                visory committee on the requirements of the  
8                Department of Defense for its space control  
9                mission and the efforts of the Department to  
10              fulfill such requirements; and

11              (B) any recommendations that the advi-  
12              sory committee considers appropriate regarding  
13              the best means by which the Department may  
14              fulfill such requirements.

15       (f) TERMINATION.—The advisory committee shall  
16       terminate for purposes of this section 10 months after the  
17       date of the first meeting of the advisory committee under  
18       subsection (b)(4).

19       (g) SPACE CONTROL MISSION.—In this section, the  
20       term “space control mission” means the mission of the  
21       Department of Defense involving the following:

22           (1) Space situational awareness.

23           (2) Defensive counterspace operations.

24           (3) Offensive counterspace operations.

1 (h) FUNDING.—Amounts authorized to be appro-  
 2 priated to the Department of Defense shall be available  
 3 to the Secretary of Defense for purposes of the activities  
 4 of the advisory committee under this section.

## 5 **Subtitle C—Other Matters**

### 6 **SEC. 921. ACCEPTANCE OF GIFTS AND DONATIONS FOR DE-** 7 **PARTMENT OF DEFENSE REGIONAL CENTERS** 8 **FOR SECURITY STUDIES.**

9 (a) AUTHORITY TO ACCEPT.—

10 (1) IN GENERAL.—Section 2611 of title 10,  
 11 United States Code, is amended to read as follows:

12 **“§ 2611. Regional centers for security studies: accept-**  
 13 **ance of gifts and donations**

14 “(a) AUTHORITY TO ACCEPT GIFTS AND DONA-  
 15 TIONS.—Subject to subsection (c), the Secretary of De-  
 16 fense may, on behalf of any Department of Defense re-  
 17 gional center for security studies, any combination of such  
 18 centers, or such centers generally, accept from any source  
 19 specified in subsection (b) any gift or donation for pur-  
 20 poses of defraying the costs, or enhancing the operation,  
 21 of such center, combination of centers, or centers gen-  
 22 erally, as the case may be.

23 “(b) SOURCES.—The sources from which gifts and  
 24 donations may be accepted under subsection (a) are the  
 25 following:

1           “(1) The government of a State or a political  
2       subdivision of a State.

3           “(2) The government of a foreign country.

4           “(3) A foundation or other charitable organiza-  
5       tion, including a foundation or charitable organiza-  
6       tion this is organized or operates under the laws of  
7       a foreign country.

8           “(4) Any source in the private sector of the  
9       United States or a foreign country.

10       “(c) LIMITATION.—The Secretary may not accept a  
11   gift or donation under subsection (a) if acceptance of the  
12   gift or donation would compromise or appear to com-  
13   promise—

14           “(1) the ability of the Department of Defense,  
15       any employee of the Department, or any member of  
16       the armed forces to carry out the responsibility or  
17       duty of the Department in a fair and objective man-  
18       ner; or

19           “(2) the integrity of any program of the De-  
20       partment, or of any person involved in such a pro-  
21       gram.

22       “(d) CRITERIA FOR ACCEPTANCE.—The Secretary  
23   shall prescribe written guidance setting forth the criteria  
24   to be used in determining whether the acceptance of a gift

1 or donation would have a result described in subsection  
2 (c).

3 “(e) CREDITING OF FUNDS.—(1) There is estab-  
4 lished on the books of the Treasury of the United States  
5 an account to be known as the ‘Regional Centers for Secu-  
6 rity Studies Account’.

7 “(2) Gifts and donations of money accepted under  
8 subsection (a) shall be credited to the Account, and shall  
9 be available until expended, without further appropriation,  
10 to defray the costs, or enhance the operation, of the re-  
11 gional center, combination of centers, or centers generally  
12 for which donated under that subsection.

13 “(f) GIFT OR DONATION DEFINED.—In this section,  
14 the term ‘gift or donation’ means any gift or donation of  
15 funds, materials (including research materials), real or  
16 personal property, or services (including lecture services  
17 and faculty services).”.

18 (2) CLERICAL AMENDMENT.—The table of sec-  
19 tions at the beginning of chapter 155 of such title  
20 is amended by striking the item relating to section  
21 2611 and inserting the following new item:

“2611. Regional centers for security studies: acceptance of gifts and dona-  
tions.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) Section 1306 of the National Defense Au-  
24 thorization Act for Fiscal Year 1995 (Public Law

1       103–337; 108 Stat. 2892) is amended by striking  
2       subsection (a).

3           (2) Section 1065 of the National Defense Au-  
4       thorization Act for Fiscal Year 1997 (10 U.S.C. 113  
5       note) is amended—

6                   (A) by striking subsection (a); and

7                   (B) by redesignating subsections (b) and  
8       (c) as subsections (a) and (b), respectively.

9       (c) EFFECTIVE DATE.—The amendments made by  
10   this section shall take effect on October 1, 2005.

11   **SEC. 922. OPERATIONAL FILES OF THE DEFENSE INTEL-**  
12                   **LIGENCE AGENCY.**

13       (a) PROTECTION OF OPERATIONAL FILES OF DE-  
14   FENSE INTELLIGENCE AGENCY.—(1) Title VII of the Na-  
15   tional Security Act of 1947 (50 U.S.C. 431 et. seq.) is  
16   amended by adding at the end the following new section:

17   “OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE  
18                   AGENCY

19       “SEC. 705. (a) EXEMPTION OF OPERATIONAL  
20   FILES.—The Director of the Defense Intelligence Agency,  
21   in coordination with the Director of National Intelligence,  
22   may exempt operational files of the Defense Intelligence  
23   Agency from the provisions of section 552 of title 5,  
24   United States Code, which require publication, disclosure,  
25   search, or review in connection therewith.

1       “(b) OPERATIONAL FILES DEFINED.—(1) In this  
2 section, the term ‘operational files’ means—

3               “(A) files of the Directorate of Human Intel-  
4 ligence of the Defense Intelligence Agency (and any  
5 successor organization of that directorate) that doc-  
6 ument the conduct of foreign intelligence or counter-  
7 intelligence operations or intelligence or security liai-  
8 son arrangements or information exchanges with for-  
9 eign governments or their intelligence or security  
10 services; and

11              “(B) files of the Directorate of Technology of  
12 the Defense Intelligence Agency (and any successor  
13 organization of that directorate) that document the  
14 means by which foreign intelligence or counterintel-  
15 ligence is collected through technical systems.

16       “(2) Files that are the sole repository of disseminated  
17 intelligence are not operational files.

18       “(c) SEARCH AND REVIEW FOR INFORMATION.—  
19 Notwithstanding subsection (a), exempted operational files  
20 shall continue to be subject to search and review for infor-  
21 mation concerning:

22              “(1) United States citizens or aliens lawfully  
23 admitted for permanent residence who have re-  
24 quested information on themselves pursuant to the

1 provisions of section 552 or 552a of title 5, United  
2 States Code.

3 “(2) Any special activity the existence of which  
4 is not exempt from disclosure under the provisions  
5 of section 552 of title 5, United States Code.

6 “(3) The specific subject matter of an investiga-  
7 tion by any of the following for any impropriety, or  
8 violation of law, Executive Order, or Presidential di-  
9 rective, in the conduct of an intelligence activity:

10 “(A) The Committee on Armed Services  
11 and the Permanent Select Committee on Intel-  
12 ligence of the House of Representatives.

13 “(B) The Committee on Armed Services  
14 and the Select Committee on Intelligence of the  
15 Senate.

16 “(C) The Intelligence Oversight Board.

17 “(D) The Department of Justice.

18 “(E) The Office of General Counsel of the  
19 Department of Defense or of the Defense Intel-  
20 ligence Agency.

21 “(F) The Office of Inspector General of  
22 the Department of Defense or of the Defense  
23 Intelligence Agency.

24 “(G) The Office of the Director of the De-  
25 fense Intelligence Agency.

1       “(d) INFORMATION DERIVED OR DISSEMINATED  
2 FROM EXEMPTED OPERATIONAL FILES.—(1) Files that  
3 are not exempted under subsection (a) and contain infor-  
4 mation derived or disseminated from exempted operational  
5 files shall be subject to search and review.

6       “(2) The inclusion of information from exempted  
7 operational files in files that are not exempted under sub-  
8 section (a) shall not affect the exemption under subsection  
9 (a) of the originating operational files from search, review,  
10 publication, or disclosure.

11       “(3) The declassification of some of the information  
12 contained in exempted operational files shall not affect the  
13 status of the operational file as being exempt from search,  
14 review, publication, or disclosure.

15       “(4) Records from exempted operational files that  
16 have been disseminated to and referenced in files that are  
17 not exempted under subsection (a) and that have been re-  
18 turned to exempted operational files for sole retention  
19 shall be subject to search and review.

20       “(e) ALLEGATION; IMPROPER WITHHOLDING OF  
21 RECORDS; JUDICIAL REVIEW.—(1) Except as provided in  
22 paragraph (2), whenever any person who has requested  
23 agency records under section 552 of title 5, alleges that  
24 the Defense Intelligence Agency has withheld records im-  
25 properly because of failure to comply with any provision



1 of this section, judicial review shall be available under the  
2 terms set forth in section 552(a)(4)(B) of title 5, United  
3 States Code.

4 “(2) Judicial review shall not be available in the man-  
5 ner provided under paragraph (1) as follows:

6 “(A) In any case in which information specifi-  
7 cally authorized under criteria established by an Ex-  
8 ecutive order to be kept secret in the interest of na-  
9 tional defense or foreign relations which is filed  
10 with, or produced for, the court by the Defense In-  
11 telligence Agency, such information shall be exam-  
12 ined ex parte, in camera by the court.

13 “(B) The court shall determine, to the fullest  
14 extent practicable, issues of fact based on sworn  
15 written submissions of the parties.

16 “(C) When a complainant alleges that re-  
17 quested records were improperly withheld because of  
18 improper placement solely in exempted operational  
19 files, the complainant shall support such allegation  
20 with a sworn written submission based upon per-  
21 sonal knowledge or otherwise admissible evidence.

22 “(D)(i) When a complainant alleges that re-  
23 quested records were improperly withheld because of  
24 improper exemption of operational files, the Defense  
25 Intelligence Agency shall meet its burden under sec-

1       tion 552(a)(4)(B) of title 5, United States Code, by  
2       demonstrating to the court by sworn written submis-  
3       sion that exempted operational files likely to contain  
4       responsible records currently perform the functions  
5       set forth in subsection (b).

6           “(ii) The court may not order the Defense In-  
7       telligence Agency to review the content of any ex-  
8       empted operational file or files in order to make the  
9       demonstration required under clause (i), unless the  
10      complainant disputes the Defense Intelligence Agen-  
11      cy’s showing with a sworn written submission based  
12      on personal knowledge or otherwise admissible evi-  
13      dence.

14          “(E) In proceedings under subparagraphs (C)  
15      and (D), the parties shall not obtain discovery pur-  
16      suant to rules 26 through 36 of the Federal Rules  
17      of Civil Procedure, except that requests for admis-  
18      sion may be made pursuant to rules 26 and 36.

19          “(F) If the court finds under this subsection  
20      that the Defense Intelligence Agency has improperly  
21      withheld requested records because of failure to com-  
22      ply with any provision of this subsection, the court  
23      shall order the Defense Intelligence Agency to search  
24      and review the appropriate exempted operational file  
25      or files for the requested records and make such

1 records, or portions thereof, available in accordance  
2 with the provisions of section 552 of title 5, United  
3 States Code, and such order shall be the exclusive  
4 remedy for failure to comply with this section (other  
5 than subsection (f)).

6 “(G) If at any time following the filing of a  
7 complaint pursuant to this paragraph the Defense  
8 Intelligence Agency agrees to search the appropriate  
9 exempted operational file or files for the requested  
10 records, the court shall dismiss the claim based upon  
11 such complaint; and

12 “(H) Any information filed with, or produced  
13 for the court pursuant to subparagraphs (A) and  
14 (D) shall be coordinated with the Director of Na-  
15 tional Intelligence before submission to the court.

16 “(f) DECENNIAL REVIEW OF EXEMPTED OPER-  
17 ATIONAL FILES.—(1) Not less than once every 10 years,  
18 the Director of the Defense Intelligence Agency and the  
19 Director of National Intelligence shall review the exemp-  
20 tions in force under subsection (a) to determine whether  
21 such exemptions may be removed from a category of ex-  
22 empted files or any portion thereof. The Director of Na-  
23 tional Intelligence must approve any determinations to re-  
24 move such exemptions.

1       “(2) The review required by paragraph (1) shall in-  
 2 clude consideration of the historical value or other public  
 3 interest in the subject matter of the particular category  
 4 of files or portions thereof and the potential for declas-  
 5 sifying a significant part of the information contained  
 6 therein.

7       “(3) A complainant that alleges that the Defense In-  
 8 telligence Agency has improperly withheld records because  
 9 of failure to comply with this subsection may seek judicial  
 10 review in the district court of the United States of the  
 11 district in which any of the parties reside, or in the Dis-  
 12 trict of Columbia. In such a proceeding, the court’s review  
 13 shall be limited to determining the following:

14               “(A) Whether the Defense Intelligence Agency  
 15 has conducted the review required by paragraph (1)  
 16 before the expiration of the 10-year period beginning  
 17 on the date of the enactment of this section or be-  
 18 fore the expiration of the 10-year period beginning  
 19 on the date of the most recent review.

20               “(B) Whether the Defense Intelligence Agency,  
 21 in fact, considered the criteria set forth in paragraph  
 22 (2) in conducting the required review.”.

23       (2) The table of contents for that Act is amended  
 24 by inserting after the item relating to section 704 the fol-  
 25 lowing new item:

“Sec. 705. Operational files of the Defense Intelligence Agency.”.

1 (b) SEARCH AND REVIEW OF CERTAIN OTHER OPER-  
 2 ATIONAL FILES.—The National Security Act of 1947 is  
 3 further amended—

4 (1) in section 702(a)(3)(C) (50 U.S.C.  
 5 432(a)(3)(C)), by adding the following new clause:

6 “(vi) The Office of the Inspector General  
 7 of the National Geospatial-Intelligence Agen-  
 8 cy.”;

9 (2) in section 703(a)(3)(C) (50 U.S.C.  
 10 432a(a)(3)(C)), by adding at the end the following  
 11 new clause:

12 “(vii) The Office of the Inspector General  
 13 of the NRO.”; and

14 (3) in section 704(c)(3) (50 U.S.C. 432b(c)(3)),  
 15 by adding at the end the following subparagraph:

16 “(H) The Office of the Inspector General  
 17 of the National Security Agency.”.

18 **SEC. 923. PROHIBITION ON IMPLEMENTATION OF CERTAIN**  
 19 **ORDERS AND GUIDANCE ON FUNCTIONS AND**  
 20 **DUTIES OF THE GENERAL COUNSEL AND THE**  
 21 **JUDGE ADVOCATE GENERAL OF THE AIR**  
 22 **FORCE.**

23 No funds authorized to be appropriated by this Act  
 24 may be obligated or expended to implement or enforce ei-  
 25 ther of the following:

(1) The order of the Secretary of the Air Force dated May 15, 2003, and entitled “Functions and Duties of the General Counsel and the Judge Advocate General”.

(2) Any internal operating instruction or memorandum issued by the General Counsel of the Department of the Air Force in reliance upon the order referred to in paragraph (1).

## **TITLE X—GENERAL PROVISIONS**

### **Subtitle A—Financial Matters**

#### **SEC. 1001. TRANSFER AUTHORITY.**

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) AGGREGATE LIMITATION.—The total amount of authorizations that the Secretary may

1 transfer under the authority of this section may not  
2 exceed \$3,500,000,000.

3 (b) LIMITATIONS.—The authority provided by this  
4 section to transfer authorizations—

5 (1) may only be used to provide authority for  
6 items that have a higher priority than the items  
7 from which authority is transferred; and

8 (2) may not be used to provide authority for an  
9 item that has been denied authorization by Con-  
10 gress.

11 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
12 transfer made from one account to another under the au-  
13 thority of this section shall be deemed to increase the  
14 amount authorized for the account to which the amount  
15 is transferred by an amount equal to the amount trans-  
16 ferred.

17 (d) NOTICE TO CONGRESS.—The Secretary shall  
18 promptly notify Congress of each transfer made under  
19 subsection (a).

20 **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

21 (a) STATUS OF CLASSIFIED ANNEX.—The Classified  
22 Annex prepared by the Committee on Armed Services of  
23 the Senate to accompany its report on the bill S. 1042  
24 of the One Hundred Ninth Congress and transmitted to  
25 the President is hereby incorporated into this Act.

1 (b) CONSTRUCTION WITH OTHER PROVISIONS OF  
2 ACT.—The amounts specified in the Classified Annex are  
3 not in addition to amounts authorized to be appropriated  
4 by other provisions of this Act.

5 (c) LIMITATION ON USE OF FUNDS.—Funds appro-  
6 priated pursuant to an authorization contained in this Act  
7 that are made available for a program, project, or activity  
8 referred to in the Classified Annex may only be expended  
9 for such program, project, or activity in accordance with  
10 such terms, conditions, limitations, restrictions, and re-  
11 quirements as are set out for that program, project, or  
12 activity in the Classified Annex.

13 (d) DISTRIBUTION OF CLASSIFIED ANNEX.—The  
14 President shall provide for appropriate distribution of the  
15 Classified Annex, or of appropriate portions of the annex,  
16 within the executive branch of the Government.

17 **SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COM-**  
18 **MON-FUNDED BUDGETS IN FISCAL YEAR 2006.**

19 (a) FISCAL YEAR 2006 LIMITATION.—The total  
20 amount contributed by the Secretary of Defense in fiscal  
21 year 2006 for the common-funded budgets of NATO may  
22 be any amount up to, but not in excess of, the amount  
23 specified in subsection (b) (rather than the maximum  
24 amount that would otherwise be applicable to those con-  
25 tributions under the fiscal year 1998 baseline limitation).



1 (b) TOTAL AMOUNT.—The amount of the limitation  
 2 applicable under subsection (a) is the sum of the following:

3 (1) The amounts of unexpended balances, as of  
 4 the end of fiscal year 2005, of funds appropriated  
 5 for fiscal years before fiscal year 2006 for payments  
 6 for those budgets.

7 (2) The amount specified in subsection (c)(1).

8 (3) The amount specified in subsection (c)(2).

9 (4) The total amount of the contributions au-  
 10 thorized to be made under section 2501.

11 (c) AUTHORIZED AMOUNTS.—Amounts authorized to  
 12 be appropriated by titles II and III of this Act are avail-  
 13 able for contributions for the common-funded budgets of  
 14 NATO as follows:

15 (1) Of the amount provided in section 201(1),  
 16 \$763,000 for the Civil Budget.

17 (2) Of the amount provided in section 301(1),  
 18 \$238,364,000 for the Military Budget.

19 (d) DEFINITIONS.—For purposes of this section:

20 (1) COMMON-FUNDED BUDGETS OF NATO.—

21 The term “common-funded budgets of NATO”  
 22 means the Military Budget, the Security Investment  
 23 Program, and the Civil Budget of the North Atlantic  
 24 Treaty Organization (and any successor or addi-  
 25 tional account or program of NATO).

1 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—

2 The term “fiscal year 1998 baseline limitation”  
 3 means the maximum annual amount of Department  
 4 of Defense contributions for common-funded budgets  
 5 of NATO that is set forth as the annual limitation  
 6 in section 3(2)(C)(ii) of the resolution of the Senate  
 7 giving the advice and consent of the Senate to the  
 8 ratification of the Protocols to the North Atlantic  
 9 Treaty of 1949 on the Accession of Poland, Hun-  
 10 gary, and the Czech Republic (as defined in section  
 11 4(7) of that resolution), approved by the Senate on  
 12 April 30, 1998.

13 **SEC. 1004. REDUCTION IN CERTAIN AUTHORIZATIONS DUE**  
 14 **TO SAVINGS RELATING TO LOWER INFLA-**  
 15 **TION.**

16 (a) REDUCTION.—The aggregate amount authorized  
 17 to be appropriated by titles I, II, and III is the amount  
 18 equal to the sum of all the amounts authorized to be ap-  
 19 propriated by such titles reduced by \$1,300,000,000.

20 (b) SOURCE OF SAVINGS.—Reductions required in  
 21 order to comply with subsection (a) shall be derived from  
 22 savings resulting from lower-than-expected inflation as a  
 23 result of the annual review of the budget conducted by  
 24 the Congressional Budget Office.

1       (c) ALLOCATION OF REDUCTION.—The Secretary of  
2 Defense shall allocate the reduction required by subsection  
3 (a) among the amounts authorized to be appropriated for  
4 accounts in titles I, II, and III to reflect the extent to  
5 which net savings from lower-than-expected inflation are  
6 allocable to amounts authorized to be appropriated to such  
7 accounts.

8       **SEC. 1005. AUTHORIZATION OF SUPPLEMENTAL APPRO-**  
9                                   **PRIATIONS FOR FISCAL YEAR 2005.**

10       Amounts authorized to be appropriated to the De-  
11 partment of Defense and the Department of Energy for  
12 fiscal year 2005 in the Ronald W. Reagan National De-  
13 fense Authorization Act for Fiscal Year 2005 (Public Law  
14 108–375) are hereby adjusted, with respect to any such  
15 authorized amount, by the amount by which appropria-  
16 tions pursuant to such authorization are increased (by a  
17 supplemental appropriation) or decreased (by a rescis-  
18 sion), or both, or are increased by a transfer of funds,  
19 pursuant to title I or chapter 2 of title IV of the Emer-  
20 gency Supplemental Appropriations Act for Defense, the  
21 Global War on Terror, and Tsunami Relief, 2005 (Public  
22 Law 109–13).

1 **SEC. 1006. INCREASE IN FISCAL YEAR 2005 TRANSFER AU-**  
 2 **THORITY.**

3 Section 1001(a)(2) of the Ronald W. Reagan Na-  
 4 tional Defense Authorization Act for Fiscal Year 2005  
 5 (Public Law 108–375; 118 Stat. 2034) is amended by  
 6 striking “\$3,500,000,000” and inserting  
 7 “\$6,185,000,000”.

8 **SEC. 1007. MONTHLY DISBURSEMENT TO STATES OF STATE**  
 9 **INCOME TAX VOLUNTARILY WITHHELD FROM**  
 10 **RETIRED OR RETAINER PAY.**

11 Section 1045(a) of title 10, United States Code, is  
 12 amended—

13 (1) by striking “quarter” the first place it ap-  
 14 pears and inserting “month”; and

15 (2) by striking “during the month following  
 16 that calendar quarter” and inserting “during the fol-  
 17 lowing calendar month”.

18 **SEC. 1008. REESTABLISHMENT OF LIMITATION ON PAY-**  
 19 **MENT OF FACILITIES CHARGES ASSESSED BY**  
 20 **DEPARTMENT OF STATE.**

21 (a) COSTS OF GOODS AND SERVICES PROVIDED TO  
 22 DEPARTMENT OF STATE.—Funds appropriated for the  
 23 Department of Defense may be transferred to the Depart-  
 24 ment of State as remittance for a fee charged to the De-  
 25 partment of Defense by the Department of State for any  
 26 year for the maintenance, upgrade, or construction of

1 United States diplomatic facilities only to the extent that  
2 the amount charged (when added to other amounts pre-  
3 viously so charged for that fiscal year) exceeds the total  
4 amount of the unreimbursed costs incurred by the Depart-  
5 ment of Defense during that fiscal year in providing goods  
6 and services to the Department of State.

7 (b) CONSTRUCTION OF LIMITATION.—The provisions  
8 of subsection (a) shall be applicable without regard to the  
9 following provisions of law:

10 (1) The provisions of subsection (e) of section  
11 604 of the Secure Embassy Construction and  
12 Counterterrorism Act of 1999, as added by section  
13 629 of division B of Public Law 108–447 (118 Stat.  
14 2920; 22 U.S.C. 4865 note).

15 (2) The provisions of section 630 of the Depart-  
16 ments of Commerce, Justice, and State, the Judici-  
17 ary, and Related Agencies Appropriations Act, 2005  
18 (division B of Public Law 108–447 (118 Stat.  
19 2921)).

20 (c) EFFECTIVE DATE.—This section shall take effect  
21 as of October 1, 2005.

1       **Subtitle B—Naval Vessels and**  
2                   **Shipyards**

3   **SEC. 1021. TRANSFER OF BATTLESHIP.**

4       (a) TRANSFER OF BATTLESHIP WISCONSIN.—The  
5   Secretary of the Navy is authorized—

6           (1) to strike the Battleship U.S.S. WIS-  
7       CONSIN (BB-64) from the Naval Vessel Register;  
8       and

9           (2) subject to section 7306b of title 10, United  
10      States Code, to transfer the ship by gift or otherwise  
11      provided that the Secretary requires, as a condition  
12      of transfer, that the transferee locate the U.S.S.  
13      WISCONSIN in the Commonwealth of Virginia.

14      (b) INAPPLICABILITY OF CERTAIN AUTHORITY TO  
15   TRANSFER.—Notwithstanding paragraph (2) of sub-  
16   section (a), the cost of the transfer authorized by sub-  
17   section (a) may not be shared by the United States pursu-  
18   ant to section 7306b(d) of title 10, United States Code,  
19   but shall be borne by the transferee under subsection (a).

20      (c) INAPPLICABILITY OF CERTAIN REQUIREMENTS  
21   RELATED TO TRANSFER AUTHORITY.—The transfer au-  
22   thorized by subsection (a) may be made without regard  
23   to the following provisions of law:

1           (1) Section 1011 of the National Defense Au-  
2           thorization Act for Fiscal Year 1996 (Public Law  
3           104–106; 110 Stat. 421).

4           (2) Section 1011 of the Strom Thurmond Na-  
5           tional Defense Authorization Act for Fiscal Year  
6           1999 (Public Law 105–261; 112 Stat. 2118).

7   **SEC. 1022. CONVEYANCE OF NAVY DRYDOCK, JACKSON-**  
8                           **VILLE, FLORIDA.**

9           (a) CONVEYANCE AUTHORIZED.—The Secretary of  
10          the Navy may convey to Atlantic Marine Property Holding  
11          Company (in this section referred to as the “Company”)   
12          all right, title, and interest of the United States in and  
13          to Navy Drydock No. AFDM 7 (the SUSTAIN), located  
14          in Duval County, Florida. The Company is the current  
15          user of the drydock.

16          (b) CONDITION OF CONVEYANCE.—The conveyance  
17          under subsection (a) shall be subject to the condition that  
18          the drydock remain at the facilities of the Company until  
19          September 30, 2010.

20          (c) CONSIDERATION.—As consideration for the con-  
21          veyance under subsection (a), the Company shall pay the  
22          Secretary an amount equal to the fair market value of the  
23          drydock as determined by the Secretary.

24          (d) ADDITIONAL TERMS AND CONDITIONS.—The  
25          Secretary may require such additional terms and condi-

1 tions in connection with the conveyance under subsection  
 2 (a) as the Secretary considers appropriate to protect the  
 3 interests of the United States.

## 4 **Subtitle C—Counterdrug Matters**

### 5 **SEC. 1031. USE OF UNMANNED AERIAL VEHICLES FOR** 6 **UNITED STATES BORDER RECONNAISSANCE.**

7 (a) IN GENERAL.—Chapter 18 of title 10, United  
 8 States Code, is amended by adding at the end the fol-  
 9 lowing new section:

#### 10 **“§ 383. Use of unmanned aerial vehicles for United** 11 **States border reconnaissance**

12 “(a) IN GENERAL.—The Secretary of Defense is au-  
 13 thorized to use Department of Defense personnel and  
 14 equipment to conduct aerial reconnaissance within the  
 15 area of responsibility of the United States Northern Com-  
 16 mand with unmanned aerial vehicles in order to conduct,  
 17 for the purposes specified in subsection (b), the following:

18 “(1) The detection and monitoring of, and com-  
 19 munication on, the movement of air and sea traffic  
 20 along the United States border.

21 “(2) The detection and monitoring of, and com-  
 22 munication on, the movement of surface traffic that  
 23 is—

24 “(A) outside of the geographic boundary of  
 25 the United States; or



1           “(B) inside the United States, but within  
2           not more than 25 miles of the geographic  
3           boundary of the United States, with respect to  
4           surface traffic first detected outside the geo-  
5           graphic boundary of the United States.

6           “(b) PURPOSES OF AUTHORIZED ACTIVITIES.—The  
7           purposes of activities authorized by subsection (a) are as  
8           follows:

9           “(1) To detect and monitor suspicious air, sea,  
10          and surface traffic.

11          “(2) To communicate information on such traf-  
12          fic to appropriate Federal law enforcement officials,  
13          State law enforcement officials, and local law en-  
14          forcement officials.

15          “(c) FUNDS.—Amounts available to the Department  
16          of Defense for counterdrug activities shall be available for  
17          activities authorized by subsection (a).

18          “(d) LIMITATIONS.—Any limitations and restrictions  
19          under this chapter with respect to the use of personnel,  
20          equipment, and facilities under this chapter shall apply to  
21          the exercise of the authority in subsection (a).

22          “(e) ANNUAL REPORTS ON USE OF UNMANNED AER-  
23          IAL VEHICLES.—(1) The Secretary of Defense shall sub-  
24          mit to the congressional defense committees each year a  
25          report on the operation of unmanned aerial vehicles along

1 the United States border under this section during the  
2 preceding year. Each report shall include, for the year cov-  
3 ered by such report, the following:

4           “(A) A description of the aerial reconnaissance  
5 missions carried out along the United States border  
6 by unmanned aerial vehicles under this section, in-  
7 cluding the total number of sorties and flight hours.

8           “(B) A statement of the costs of such missions.

9           “(C) A statement of the number of times data  
10 collected by the Department of Defense from such  
11 missions was communicated to other authorities of  
12 the Federal Government or to State or local authori-  
13 ties.

14           “(2) A report is not required under this subsection  
15 for a year if no operations of unmanned aerial vehicles  
16 along the United States border occurred under this section  
17 during such year.

18           “(3) Each report under this subsection shall be sub-  
19 mitted in unclassified form, but may include a classified  
20 annex.

21           “(f) DEFINITIONS.—In this section:

22           “(1) The term ‘suspicious air, sea, and surface  
23 traffic’ means any air, sea, or surface traffic that is  
24 suspected of illegal activities, including involvement  
25 in activities that would constitute a violation of any

1 provision of law set forth in or described under sec-  
 2 tion 374(b)(4)(A) of this title.

3 “(2) The term ‘State law enforcement officials’  
 4 includes authorized members of the National Guard  
 5 operating under authority of title 32.”.

6 (b) CLERICAL AMENDMENT.—The table of sections  
 7 at the beginning of chapter 18 of such title is amended  
 8 by adding at the end the following new item:

“383. Use of unmanned aerial vehicles for United States border reconnais-  
 sance.”.

9 **SEC. 1032. USE OF COUNTERDRUG FUNDS FOR CERTAIN**  
 10 **COUNTERTERRORISM OPERATIONS.**

11 (a) AUTHORITY TO USE FUNDS.—In conjunction  
 12 with counterdrug activities authorized by law, the Sec-  
 13 retary of Defense may use funds authorized to be appro-  
 14 priated to the Department of Defense for drug interdiction  
 15 and counterdrug activities in fiscal years 2006 and 2007  
 16 for the detection, monitoring, and interdiction of terror-  
 17 ists, terrorism-related activities, and other related  
 18 transnational threats along the borders and within the ter-  
 19 ritorial waters of the United States.

20 (b) CONSTRUCTION WITH OTHER AUTHORITY.—The  
 21 authority provided by subsection (a) is in addition to the  
 22 authority provided in section 124 of title 10, United States  
 23 Code.

1 **SEC. 1033. SUPPORT FOR COUNTER-DRUG ACTIVITIES**  
 2 **THROUGH BASES OF OPERATION AND TRAIN-**  
 3 **ING FACILITIES IN AFGHANISTAN.**

4 In providing support for counterdrug activities under  
 5 section 1004 of the National Defense Authorization Act  
 6 for Fiscal Year 1991 (10 U.S.C. 374 note), the Secretary  
 7 of Defense may, in accordance with a request under sub-  
 8 section (a) of such section, provide through or utilizing  
 9 bases of operation or training facilities in Afghanistan—

10 (1) any type of support specified in subsection

11 (b) of such section for counter-drug activities; and

12 (2) any type of support for counter-drug related

13 Afghan criminal justice activities.

14 **Subtitle D—Reports and Studies**

15 **SEC. 1041. MODIFICATION OF FREQUENCY OF SUBMITTAL**  
 16 **OF JOINT WARFIGHTING SCIENCE AND TECH-**  
 17 **NOLOGY PLAN.**

18 (a) SUBMITTAL OF JOINT WARFIGHTING SCIENCE  
 19 AND TECHNOLOGY PLAN.—Section 270 of the National  
 20 Defense Authorization Act for Fiscal Year 1997 (10  
 21 U.S.C. 2501 note) is amended by striking “(a) ANNUAL  
 22 PLAN REQUIRED.—On March 1 of each year,” and insert-  
 23 ing “Not later than March 1 of each year through 2006,  
 24 and March 1 every two years thereafter,”.

25 (b) CONFORMING AMENDMENT.—The heading of  
 26 such section is amended by striking “**ANNUAL**”.

1 **SEC. 1042. REVIEW AND ASSESSMENT OF DEFENSE BASE**  
2 **ACT INSURANCE.**

3 (a) IN GENERAL.—The Secretary of Defense shall,  
4 in coordination with the Director of the Office of Manage-  
5 ment and Budget and appropriate officials of the Depart-  
6 ment of Labor, the Department of State and the United  
7 States Agency for International Development, review cur-  
8 rent and future needs, options, and risks associated with  
9 Defense Base Act insurance.

10 (b) MATTERS TO BE ADDRESSED.—The review  
11 under subsection (a) shall address the following matters:

12 (1) Cost-effective options for acquiring Defense  
13 Base Act insurance.

14 (2) Methods for coordinating data collection ef-  
15 forts among agencies and contractors on numbers of  
16 employees, costs of insurance, and other information  
17 relevant to decisions on Defense Base Act insurance.

18 (3) Improved communication and coordination  
19 within and among agencies on the implementation of  
20 Defense Base Act insurance.

21 (4) Actions to be taken to address difficulties in  
22 the administration of Defense Base Act insurance,  
23 including on matters relating to cost, data, enforce-  
24 ment, and claims processing.

25 (c) REPORT REQUIRED.—Not later than one year  
26 after the date of the enactment of this Act, the Secretary

1 shall submit to the congressional defense committees a re-  
 2 port on the results of the review under subsection (a). The  
 3 report shall set forth the findings of the Secretary as a  
 4 result of the review and such recommendations, including  
 5 recommendations for legislative or administrative action,  
 6 as the Secretary considers appropriate in light of the re-  
 7 view.

8 (d) DEFENSE BASE ACT INSURANCE DEFINED.—In  
 9 this section, the term “Defense Base Act insurance”  
 10 means workers’ compensation insurance provided to con-  
 11 tractor employees pursuant to the Defense Base Act (42  
 12 U.S.C. 1651 et seq.).

13 **SEC. 1043. COMPTROLLER GENERAL REPORT ON CORRO-**  
 14 **SION PREVENTION AND MITIGATION PRO-**  
 15 **GRAMS OF THE DEPARTMENT OF DEFENSE.**

16 (a) REPORT REQUIRED.—Not later than April 1,  
 17 2007, the Comptroller General of the United States shall  
 18 submit to the congressional defense committees a report  
 19 on the effectiveness of the corrosion prevention and miti-  
 20 gation programs of the Department of Defense.

21 (b) ELEMENTS.—The report required by subsection  
 22 (a) shall include the following:

23 (1) An assessment of the document of the De-  
 24 partment of Defense entitled “Long-Term Strategy  
 25 to Reduce Corrosion and the Effects of Corrosion on

1 the Military Equipment and Infrastructure of the  
2 Department of Defense”, dated November 2004.

3 (2) An assessment of the adequacy for purposes  
4 of the strategy set forth in that document of the  
5 funding requested in the budget of the President for  
6 fiscal year 2006, as submitted to Congress pursuant  
7 to section 1105(a) of title 31, United States Code,  
8 and the associated Future-Years Defense Program  
9 under section 221 of title 10, United States Code.

10 (3) An assessment of the adequacy and effec-  
11 tiveness of the organizational structure of the De-  
12 partment of Defense in implementing that strategy.

13 (4) An assessment of the progress made as of  
14 the date of the report in establishing throughout the  
15 Department common metrics, definitions, and proce-  
16 dures on corrosion prevention and mitigation.

17 (5) An assessment of the progress made as of  
18 the date of the report in establishing a baseline esti-  
19 mate of the scope of the corrosion problems of the  
20 Department.

21 (6) An assessment of the extent to which the  
22 strategy of the Department on corrosion prevention  
23 and mitigation has been revised to incorporate the  
24 recommendations of the October 2004 Defense  
25 Science Board report on corrosion control.

1           (7) An assessment of the implementation of the  
2           corrosion prevention and mitigation programs of the  
3           Department during fiscal year 2006.

4           (8) Recommendations by the Comptroller Gen-  
5           eral for addressing any shortfalls or areas of poten-  
6           tial improvement identified in the review for pur-  
7           poses of the report.

## 8   **Subtitle E—Technical Amendments**

### 9   **SEC. 1051. TECHNICAL AMENDMENTS RELATING TO CER-** 10                   **TAIN PROVISIONS OF ENVIRONMENTAL DE-** 11                   **FENSE LAWS.**

12           (a) DEFINITION OF “MILITARY MUNITIONS”.—Sec-  
13           tion 101(e)(4)(B)(ii) of title 10, United States Code, is  
14           amended by striking “explosives, and” and inserting “ex-  
15           plosives and”.

16           (b) DEFENSE ENVIRONMENTAL RESTORATION PRO-  
17           GRAM.—Section 2703(b) of such title is amended by strik-  
18           ing “‘unexploded ordnance’, ‘discarded military muni-  
19           tions’, and” and inserting “‘discarded military munitions’  
20           and”.

## 21   **Subtitle F—Military Mail Matters**

### 22   **SEC. 1061. SAFE DELIVERY OF MAIL IN THE MILITARY MAIL** 23                   **SYSTEM.**

24           (a) PLAN REQUIRED.—



1           (1) IN GENERAL.—The Secretary of Defense  
2       shall promptly develop and implement a plan to en-  
3       sure that the mail within the military mail system  
4       is safe for delivery.

5           (2) SCREENING.—The plan under this sub-  
6       section shall provide for the screening of all mail  
7       within the military mail system in order to detect  
8       the presence in such mail of biological, chemical, or  
9       radiological weapons, agents, or pathogens, or explo-  
10      sive devices, before such mail is delivered to its in-  
11      tended recipients.

12       (b) FUNDING FOR PLAN.—The budget justification  
13      materials that are submitted to Congress with the budget  
14      of the President for any fiscal year after fiscal year 2006,  
15      as submitted under section 1105(a) of title 31, United  
16      States Code, shall include a description of the amounts  
17      required in such fiscal year to carry out the plan under  
18      subsection (a).

19       (c) REPORT ON SAFETY OF MAIL FOR DELIVERY.—

20           (1) REPORT REQUIRED.—Not later than 120  
21      days after the date of the enactment of this Act, the  
22      Secretary shall submit to the congressional defense  
23      committees a report on the safety of mail within the  
24      military mail system for delivery.

1           (2) ELEMENTS.—The report shall include the  
2 following:

3           (A) An assessment of any existing defi-  
4 ciencies in the military mail system in ensuring  
5 that mail within such system is safe for deliv-  
6 ery.

7           (B) The plan developed under subsection  
8 (a).

9           (C) An estimate of the time and resources  
10 required to implement the plan.

11           (D) A description of the delegation within  
12 the Department of Defense of responsibility for  
13 ensuring that mail within the military mail sys-  
14 tem is safe for delivery, including responsibility  
15 for the development, implementation, and over-  
16 sight of improvements to that system in order  
17 to ensure the safety of such mail for delivery.

18           (3) FORM.—The report shall be submitted in  
19 unclassified form, but may include a classified  
20 annex.

21           (d) MAIL WITHIN THE MILITARY MAIL SYSTEM DE-  
22 FINED.—

23           (1) IN GENERAL.—Except as provided in para-  
24 graph (2), in this section, the term “mail within the  
25 military mail system”—

1 (A) means—

2 (i) any mail that is posted through  
3 the Military Post Offices (including Army  
4 Post Offices (APOs) and Fleet Post Of-  
5 fices (FPOs)), Department of Defense mail  
6 centers, military Air Mail Terminals, and  
7 military Fleet Mail Centers; and

8 (ii) any mail or package posted in the  
9 United States that is addressed to an un-  
10 specified member of the Armed Forces;  
11 and

12 (B) includes any official mail posted by the  
13 Department of Defense.

14 (2) EXCEPTION.—The term does not include  
15 any mail posted as otherwise described in paragraph  
16 (1) that has been screened for safety for delivery by  
17 the United States Postal Service before its posting  
18 as so described.

19 **SEC. 1062. DELIVERY OF MAIL ADDRESSED TO ANY SERV-**  
20 **ICE MEMBER.**

21 (a) PROGRAM OF DELIVERY OF MAIL.—The Sec-  
22 retary of Defense shall carry out a program under which  
23 mail and packages addressed to Any Service Member that  
24 are posted in the United States shall be delivered to de-  
25 ployed members of the Armed Forces overseas at or

1 through such Army Post Offices (APOs) and Fleet Post  
2 Offices (FPOs) as the Secretary shall designate for pur-  
3 poses of the program.

4 (b) SCREENING OF MAIL.—In carrying out the pro-  
5 gram required by subsection (a), the Secretary shall take  
6 appropriate actions to ensure that the mail and packages  
7 covered by the program are screened in order to detect  
8 the presence in such mail and packages of biological,  
9 chemical, or radiological weapons, agents, or pathogens,  
10 or explosive devices, before such mail and packages are  
11 delivered to members of the Armed Forces.

12 (c) DISTRIBUTION.—The Secretary shall ensure that  
13 mail and packages delivered under the program required  
14 by subsection (a) are widely distributed on an equitable  
15 basis among all the Armed Forces in their overseas areas.

16 (d) OUTREACH.—

17 (1) IN GENERAL.—The Secretary shall, in col-  
18 laboration with the Postmaster General, take appro-  
19 priate actions to provide information to the public on  
20 the program required by subsection (a).

21 (2) OUTLETS.—Information shall be provided  
22 to the public under this subsection through Depart-  
23 ment of Defense facilities and communications out-  
24 lets, Postal Service facilities, and such other means

1 as the Secretary and the Postmaster General con-  
2 sider appropriate.

3 (e) ANY SERVICE MEMBER DEFINED.—In this sec-  
4 tion, the term “Any Service Member” means an undesig-  
5 nated or unspecified member of the Armed Forces (often  
6 addressed on mail or packages as “Any American Service  
7 Member or Soldier”), rather than any particular or speci-  
8 fied member of the Armed Forces.

## 9 **Subtitle G—Other Matters**

### 10 **SEC. 1071. POLICY ON ROLE OF MILITARY MEDICAL AND** 11 **BEHAVIORAL SCIENCE PERSONNEL IN INTER-** 12 **ROGATION OF DETAINEES.**

13 (a) POLICY REQUIRED.—The Secretary of Defense  
14 shall establish the policy of the Department of Defense  
15 on the role of military medical and behavioral science per-  
16 sonnel in the interrogation of persons detained by the  
17 Armed Forces. The policy shall apply uniformly through-  
18 out the Armed Forces.

19 (b) REPORT.—Not later than March 1, 2006, the  
20 Secretary shall submit to the congressional defense com-  
21 mittees a report on the policy established under subsection  
22 (a). The report shall set forth the policy, and shall include  
23 such additional matters on the policy as the Secretary con-  
24 siders appropriate.

1 **SEC. 1072. CLARIFICATION OF AUTHORITY TO ISSUE SECU-**  
2 **RITY REGULATIONS AND ORDERS UNDER IN-**  
3 **TERNAL SECURITY ACT OF 1950.**

4 Section 21(a) of the Internal Security Act of 1950  
5 (Public Law 81–831; 64 Stat. 1005) is amended by insert-  
6 ing “or military or civilian director” after “military com-  
7 mander”.

8 **TITLE XI—DEPARTMENT OF DE-**  
9 **FENSE CIVILIAN PERSONNEL**  
10 **POLICY**

11 **SEC. 1101. EXTENSION OF AUTHORITY FOR VOLUNTARY**  
12 **SEPARATIONS IN REDUCTIONS IN FORCE.**

13 Section 3502(f)(5) of title 5, United States Code, is  
14 amended by striking “September 30, 2005” and inserting  
15 “September 30, 2010”.

16 **SEC. 1102. COMPENSATORY TIME OFF FOR NON-**  
17 **APPROPRIATED FUND EMPLOYEES OF THE**  
18 **DEPARTMENT OF DEFENSE.**

19 Section 5543 of title 5, United States Code, is  
20 amended by adding at the end the following new sub-  
21 section:

22 “(d) The Secretary of Defense may, on request of a  
23 Department of Defense employee paid from non-  
24 appropriated funds, grant such employee compensatory  
25 time off from duty instead of overtime pay for overtime  
26 work.”.

1 **SEC. 1103. EXTENSION OF AUTHORITY TO PAY SEVERANCE**  
 2 **PAYMENTS IN LUMP SUMS.**

3 Section 5595(i)(4) of title 5, United States Code, is  
 4 amended by striking “October 1, 2006” and inserting  
 5 “October 1, 2010”.

6 **SEC. 1104. CONTINUATION OF FEDERAL EMPLOYEE**  
 7 **HEALTH BENEFITS PROGRAM ELIGIBILITY.**

8 Section 8905a(d)(4)(B) of title 5, United States  
 9 Code, is amended—

10 (1) in clause (i), by striking “October 1, 2006”  
 11 and inserting “October 1, 2010”; and

12 (2) in clause (ii)—

13 (A) by striking “February 1, 2007” and  
 14 inserting “February 1, 2011”; and

15 (B) by striking “October 1, 2006” and in-  
 16 serting “October 1, 2010”.

17 **SEC. 1105. PERMANENT AND ENHANCED AUTHORITY FOR**  
 18 **SCIENCE, MATHEMATICS, AND RESEARCH**  
 19 **FOR TRANSFORMATION (SMART) DEFENSE**  
 20 **EDUCATION PROGRAM.**

21 (a) PERMANENT AUTHORITY FOR PROGRAM.—Sec-  
 22 tion 1105 of the Ronald W. Reagan National Defense Au-  
 23 thorization Act for Fiscal Year 2005 (Public Law 108–  
 24 375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended—

25 (1) in subsection (a)—

26 (A) by striking “(1)”; and

1 (B) by striking paragraph (2); and

2 (2) by striking “pilot” each place it appears.

3 (b) ASSISTANCE UNDER PROGRAM.—Such section is  
4 further amended—

5 (1) in subsection (b)—

6 (A) by striking “(b)” and all that follows  
7 through “a scholarship” and inserting “(b) AS-  
8 SISTANCE.—(1) Under the program under this  
9 section, the Secretary of Defense may award a  
10 scholarship or fellowship”;

11 (B) in paragraph (1)(B), by inserting “ac-  
12 credited” before “institution of higher edu-  
13 cation”;

14 (C) in paragraph (2)—

15 (i) by inserting “or fellowship” after  
16 “scholarship”;

17 (ii) by inserting “equipment ex-  
18 penses,” after “laboratory expenses,”; and

19 (iii) by striking the second sentence;

20 and

21 (D) by adding at the end the following new  
22 paragraph:

23 “(3) Any assistance payable to a person under this  
24 subsection may be paid directly to the person awarded



1 such assistance or to an administering entity that shall  
 2 disburse such assistance to the person.”; and

3 (2) in subsection (c)(2)—

4 (A) by striking “a scholarship” and insert-  
 5 ing “financial assistance”;

6 (B) by striking “the financial assistance  
 7 provided under the scholarship” and inserting  
 8 “such financial assistance”; and

9 (C) by striking “the scholarship.” and in-  
 10 serting “such financial assistance.”.

11 (c) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

12 Such section is further amended—

13 (1) by redesignating subsections (d), (e), (f),  
 14 (g), and (h) as subsections (e), (f), (g), (h), and (i),  
 15 respectively; and

16 (2) by inserting after subsection (c) the fol-  
 17 lowing new subsection (d):

18 “(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

19 (1) The Secretary of Defense may—

20 “(A) appoint or retain a person participating in  
 21 the program under this section in a position on an  
 22 interim basis during the period of such person’s pur-  
 23 suit of a degree under the program and for a period  
 24 not to exceed 2 years after completion of the degree,  
 25 but only if, during such periods—

1           “(i) there is no readily available appro-  
2           priate permanent position for such person; and

3           “(ii) there is an active and ongoing effort  
4           to identify and assign such person to an appro-  
5           priate permanent position as soon as prac-  
6           ticable; and

7           “(B) if there is no appropriate permanent posi-  
8           tion available after the end of the periods described  
9           in subparagraph (A), separate such person from em-  
10          ployment with the Department without regard to  
11          any other provision of law, in which event the service  
12          agreement of such person under subsection (c) shall  
13          terminate.

14          “(2) The period of service of a person covered by  
15          paragraph (1) in a position on an interim basis under that  
16          paragraph shall, after completion of the degree, be treated  
17          as a period of service for purposes of satisfying the obli-  
18          gated service requirements of the person under the service  
19          agreement of the person under subsection (c).”.

20          (d) REFUND FOR PERIOD OF UNSERVED OBLIGATED  
21          SERVICE.—Paragraph (1) of subsection (e) of such sec-  
22          tion, as redesignated by subsection (c)(1) of this section,  
23          is amended to read as follows:

24          “(1)(A) A participant in the program under this sec-  
25          tion who is not an employee of the Department of Defense

1 and who voluntarily fails to complete the educational pro-  
 2 gram for which financial assistance has been provided  
 3 under this section, or fails to maintain satisfactory aca-  
 4 demic progress as determined in accordance with regula-  
 5 tions prescribed by the Secretary of Defense, shall refund  
 6 to the United States an appropriate amount, as deter-  
 7 mined by the Secretary.

8 “(B) A participant in the program under this section  
 9 who is an employee of the Department of Defense and  
 10 who—

11 “(i) voluntarily fails to complete the educational  
 12 program for which financial assistance has been pro-  
 13 vided, or fails to maintain satisfactory academic  
 14 progress as determined in accordance with regula-  
 15 tions prescribed by the Secretary; or

16 “(ii) before completion of the period of obli-  
 17 gated service required of such participant—

18 “(I) voluntarily terminates such partici-  
 19 pant’s employment with the Department; or

20 “(II) is removed from such participant’s  
 21 employment with the Department on the basis  
 22 of misconduct,

23 shall refund the United States an appropriate amount, as  
 24 determined by the Secretary.”.

25 (e) CONFORMING AMENDMENTS.—

1           (1) Subsection (f) of such section, as redesignig-  
 2           nated by subsection (c)(1) of this section, is further  
 3           amended by striking “PILOT”.

4           (2) The heading of such section is amended to  
 5           read as follows:

6   **“SEC. 1105. SCIENCE, MATHEMATICS, AND RESEARCH FOR**  
 7                   **TRANSFORMATION (SMART) DEFENSE EDU-**  
 8                   **CATION PROGRAM.”.**

9           (3) Section 3304(a)(3)(B)(ii) of title 5, United  
 10          States Code, is—

11                   (A) by striking “Scholarship Pilot Pro-  
 12                   gram” and inserting “Defense Education Pro-  
 13                   gram”; and

14                   (B) by inserting “(10 U.S.C. 2912 note)”  
 15                   after “for Fiscal Year 2005”.

## 16   **TITLE XII—MATTERS RELATING** 17                   **TO OTHER NATIONS**

18   **SEC. 1201. COMMANDERS’ EMERGENCY RESPONSE PRO-**  
 19                   **GRAM.**

20          (a) AUTHORITY FOR FISCAL YEARS 2006 AND  
 21          2007.—During fiscal year 2006 and fiscal year 2007,  
 22          from funds made available to the Department of Defense  
 23          for operation and maintenance for such fiscal year, not  
 24          to exceed \$500,000,000 may be used in each such fiscal  
 25          year to provide funds—

1           (1) for the Commanders' Emergency Response  
2       Program; and

3           (2) for a similar program to assist the people  
4       of Afghanistan.

5       (b) QUARTERLY REPORTS.—Not later than 15 days  
6   after the end of each fiscal-year quarter (beginning with  
7   the first quarter of fiscal year 2006), the Secretary of De-  
8   fense shall submit to the congressional defense committees  
9   a report regarding the source of funds and the allocation  
10  and use of funds during that quarter that were made  
11  available pursuant to the authority provided in this section  
12  or under any other provision of law for the purposes of  
13  the programs under subsection (a).

14       (c) COMMANDERS' EMERGENCY RESPONSE PROGRAM  
15  DEFINED.—In this section, the term “Commanders’  
16  Emergency Response Program” means the program estab-  
17  lished by the Administrator of the Coalition Provisional  
18  Authority for the purpose of enabling United States mili-  
19  tary commanders in Iraq to respond to urgent humani-  
20  tarian relief and reconstruction requirements within their  
21  areas of responsibility by carrying out programs that will  
22  immediately assist the Iraqi people.

1 **SEC. 1202. ENHANCEMENT AND EXPANSION OF AUTHORITY**  
2 **TO PROVIDE HUMANITARIAN AND CIVIC AS-**  
3 **SISTANCE.**

4 (a) INCREASE IN AUTHORIZED EXPENSES ASSOCI-  
5 ATED WITH DETECTION AND CLEARANCE OF LAND-  
6 MINES.—Subsection (c)(3) of section 401 of title 10,  
7 United States Code, is amended by striking “\$5,000,000”  
8 and inserting “\$10,000,000”.

9 (b) INCLUSION OF ASSISTANCE ON COMMUNICATIONS  
10 AND INFORMATION INFRASTRUCTURE UNDER AUTHOR-  
11 ITY.—Such section is further amended—

12 (1) in subsection (c)—

13 (A) by redesignating paragraph (4) as  
14 paragraph (5); and

15 (B) by inserting after paragraph (3) the  
16 following new paragraph (4):

17 “(4) Expenses covered by paragraph (1) also include  
18 expenses incurred in providing communications or infor-  
19 mation systems equipment or supplies that are transferred  
20 or otherwise furnished to a foreign country in furtherance  
21 of the provision of other assistance under this section.”;  
22 and

23 (2) in subsection (e), by adding at the end the  
24 following new paragraph:

25 “(6) Restoring or improving the information  
26 and communications infrastructure of a country, in-

1 including activities relating to the furnishing of edu-  
 2 cation, training, and technical assistance with re-  
 3 spect to information and communications tech-  
 4 nology.”.

5 (c) EXPANSION OF AUTHORITY TO PROVIDE MED-  
 6 ICAL, DENTAL, AND VETERINARY CARE.—Subsection  
 7 (e)(1) of such section is amended by inserting before the  
 8 period the following: “, including education, training, and  
 9 technical assistance related to the care provided”.

10 (d) EFFECTIVE DATE.—The amendments made by  
 11 this section shall take effect on October 1, 2005.

12 **SEC. 1203. MODIFICATION OF GEOGRAPHIC LIMITATION ON**  
 13 **PAYMENT OF PERSONNEL EXPENSES UNDER**  
 14 **BILATERAL OR REGIONAL COOPERATION**  
 15 **PROGRAMS.**

16 Section 1051(b)(1) of title 10, United States Code,  
 17 is amended by striking “within the area” and all that fol-  
 18 lows through “developing country is located” and inserting  
 19 “to and within the area of responsibility of a unified com-  
 20 batant command (as such term is defined in section 161(c)  
 21 of this title)”.

22 **SEC. 1204. PAYMENT OF TRAVEL EXPENSES OF COALITION**  
 23 **LIAISON OFFICERS.**

24 (a) AUTHORITY TO PAY CERTAIN TRAVEL EX-  
 25 PENSES OF MILITARY OFFICERS ON COALITION MIS-

1 SIONS.—Subsection (b) of section 1051a of title 10,  
2 United States Code, is amended by adding at the end the  
3 following new paragraph:

4 “(3) The Secretary may pay the travel expenses of  
5 a military officer of a developing country involved in coali-  
6 tion operations while temporarily assigned to the head-  
7 quarters of a combatant command, component command,  
8 or subordinate operational command for the mission-re-  
9 lated roundtrip travel of such officer, upon the direction  
10 of the commander of such command, from such head-  
11 quarters to one or more locations specified by the com-  
12 mander of such command if such travel is determined to  
13 be in support of United States national interests.”.

14 (b) EXTENSION OF AUTHORITY TO PAY TRAVEL EX-  
15 PENSES.—Subsection (e) of such section is amended by  
16 striking “September 30, 2005” and inserting “September  
17 30, 2009”.

18 (c) EFFECTIVE DATE.—The amendments made by  
19 this section shall take effect on October, 1, 2005.



1 **TITLE** **XIII—COOPERATIVE**  
2 **THREAT REDUCTION WITH**  
3 **STATES OF THE FORMER SO-**  
4 **VIET UNION**

5 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**  
6 **DUCTION PROGRAMS AND FUNDS.**

7 (a) SPECIFICATION OF CTR PROGRAMS.—For pur-  
8 poses of section 301 and other provisions of this Act, Co-  
9 operative Threat Reduction programs are the programs  
10 specified in section 1501(b) of the National Defense Au-  
11 thorization Act for Fiscal Year 1997 (Public Law 104–  
12 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

13 (b) FISCAL YEAR 2006 COOPERATIVE THREAT RE-  
14 Duction FUNDS DEFINED.—As used in this title, the  
15 term “fiscal year 2006 Cooperative Threat Reduction  
16 funds” means the funds appropriated pursuant to the au-  
17 thorization of appropriations in section 301 for Coopera-  
18 tive Threat Reduction programs.

19 (c) AVAILABILITY OF FUNDS.—Funds appropriated  
20 pursuant to the authorization of appropriations in section  
21 301 for Cooperative Threat Reduction programs shall be  
22 available for obligation for three fiscal years.

23 **SEC. 1302. FUNDING ALLOCATIONS.**

24 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the  
25 \$415,549,000 authorized to be appropriated to the De-

1 partment of Defense for fiscal year 2006 in section  
2 301(19) for Cooperative Threat Reduction programs, the  
3 following amounts may be obligated for the purposes spec-  
4 ified:

5 (1) For strategic offensive arms elimination in  
6 Russia, \$78,900,000.

7 (2) For nuclear weapons storage security in  
8 Russia, \$74,100,000.

9 (3) For nuclear weapons transportation security  
10 in Russia, \$30,000,000.

11 (4) For weapons of mass destruction prolifera-  
12 tion prevention in the states of the former Soviet  
13 Union, \$40,600,000.

14 (5) For biological weapons proliferation preven-  
15 tion in the former Soviet Union, \$60,849,000.

16 (6) For chemical weapons destruction in Rus-  
17 sia, \$108,500,000.

18 (7) For defense and military contacts,  
19 \$8,000,000.

20 (8) For activities designated as Other Assess-  
21 ments/Administrative Support, \$14,600,000.

22 (b) REPORT ON OBLIGATION OR EXPENDITURE OF  
23 FUNDS FOR OTHER PURPOSES.—No fiscal year 2006 Co-  
24 operative Threat Reduction funds may be obligated or ex-  
25 pended for a purpose other than a purpose listed in para-

1 graphs (1) through (8) of subsection (a) until 30 days  
2 after the date that the Secretary of Defense submits to  
3 Congress a report on the purpose for which the funds will  
4 be obligated or expended and the amount of funds to be  
5 obligated or expended. Nothing in the preceding sentence  
6 shall be construed as authorizing the obligation or expend-  
7 iture of fiscal year 2006 Cooperative Threat Reduction  
8 funds for a purpose for which the obligation or expendi-  
9 ture of such funds is specifically prohibited under this title  
10 or any other provision of law.

11 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL  
12 AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any  
13 case in which the Secretary of Defense determines that  
14 it is necessary to do so in the national interest, the Sec-  
15 retary may obligate amounts appropriated for fiscal year  
16 2006 for a purpose listed in any of the paragraphs in sub-  
17 section (a) in excess of the specific amount authorized for  
18 that purpose.

19 (2) An obligation of funds for a purpose stated in  
20 any of the paragraphs in subsection (a) in excess of the  
21 specific amount authorized for such purpose may be made  
22 using the authority provided in paragraph (1) only after—  
23 (A) the Secretary submits to Congress notifica-  
24 tion of the intent to do so together with a complete  
25 discussion of the justification for doing so; and

1 (B) 15 days have elapsed following the date of  
2 the notification.

3 (3) The Secretary may not, under the authority pro-  
4 vided in paragraph (1), obligate amounts for a purpose  
5 stated in any of paragraphs (6) through (8) of subsection  
6 (a) in excess of 125 percent of the specific amount author-  
7 ized for such purpose.

8 **SEC. 1303. PERMANENT WAIVER OF RESTRICTIONS ON USE**  
9 **OF FUNDS FOR THREAT REDUCTION IN**  
10 **STATES OF THE FORMER SOVIET UNION.**

11 Section 1306 of the Bob Stump National Defense  
12 Authorization Act for Fiscal Year 2003 (Public Law 107–  
13 314; 22 U.S.C. 5952 note) is amended—

14 (1) by striking subsections (c) and (d); and

15 (2) by redesignating subsection (e) as sub-  
16 section (c).

17 **SEC. 1304. MODIFICATION OF AUTHORITY TO USE COOPER-**  
18 **ATIVE THREAT REDUCTION FUNDS OUTSIDE**  
19 **THE FORMER SOVIET UNION.**

20 (a) IN GENERAL.—Subsection (a) of section 1308 of  
21 the National Defense Authorization Act for Fiscal Year  
22 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C.  
23 5963) is amended—

24 (1) by striking “the President may” and insert-  
25 ing “the Secretary of Defense may”; and

1           (2) by striking “if the President” and inserting  
 2           “if the Secretary of Defense, with the concurrence of  
 3           the Secretary of State,”.

4           (b) AVAILABILITY OF FUNDS.—Subsection (d) of  
 5 such section is amended—

6           (1) in paragraph (1)—

7                 (A) by striking “The President” and in-  
 8                 serting “The Secretary of Defense”; and

9                 (B) by striking “the President” and insert-  
 10                 ing “the Secretary of Defense, with the concur-  
 11                 rence of the Secretary of State,”; and

12           (2) in paragraph (2)—

13                 (A) by striking “10 days after” and insert-  
 14                 ing “15 days before”; and

15                 (B) by striking “the President shall notify  
 16                 Congress” and inserting “the Secretary of De-  
 17                 fense shall notify the congressional defense  
 18                 committees”.

19 **SEC. 1305. REPEAL OF REQUIREMENT FOR ANNUAL COMP-**  
 20 **TROLLER GENERAL ASSESSMENT OF ANNUAL**  
 21 **DEPARTMENT OF DEFENSE REPORT ON AC-**  
 22 **TIVITIES AND ASSISTANCE UNDER COOPERA-**  
 23 **TIVE THREAT REDUCTION PROGRAMS.**

24           Section 1308 of the Floyd D. Spence National De-  
 25 fense Authorization Act for Fiscal Year 2001 (as enacted

1 into law by Public Law 106–398; 114 Stat. 1654A–341)  
2 is amended by striking subsection (e).

3 **TITLE XIV—AUTHORIZATION**  
4 **FOR SUPPLEMENTAL APPRO-**  
5 **PRIATIONS FOR IRAQ, AF-**  
6 **GHANISTAN, AND THE GLOB-**  
7 **AL WAR ON TERRORISM**

8 **SEC. 1401. PURPOSE.**

9 The purpose of this title is to authorize supplemental  
10 appropriations for the Department of Defense for fiscal  
11 year 2006 for operations in Iraq, Afghanistan, and the  
12 global war on terrorism that are in addition to the  
13 amounts otherwise authorized to be appropriated for the  
14 Department of Defense by this Act.

15 **SEC. 1402. DESIGNATION AS EMERGENCY AMOUNTS.**

16 Amounts appropriated pursuant to the authorizations  
17 of appropriations in this title are designated as an emer-  
18 gency requirement pursuant to section 402(b) of the con-  
19 ference report to accompany H. Con. Res. 95 (109th  
20 Congress).

21 **SEC. 1403. ARMY PROCUREMENT.**

22 (a) IN GENERAL.—Funds are hereby authorized to  
23 be appropriated for fiscal year 2006 for procurement ac-  
24 counts of the Army in amounts as follows:

25 (1) For aircraft, \$70,300,000.

1           (2) For weapons and tracked combat vehicles,  
2     \$27,800,000.

3           (3) For other procurement \$271,700,000.

4     (b) AVAILABILITY OF CERTAIN AMOUNTS.—

5           (1) AVAILABILITY.—Of the amounts authorized  
6     to be appropriated by subsection (a)(3),  
7     \$120,000,000 shall be available for purposes as fol-  
8     lows:

9           (A) Procurement of up-armored high mo-  
10    bility multipurpose wheeled vehicles (UAHs).

11          (B) Procurement of wheeled vehicle add-on  
12    armor protection.

13          (C) Procurement of M1151/M1152 high  
14    mobility multipurpose wheeled vehicles.

15     (2) ALLOCATION OF FUNDS.—

16          (A) IN GENERAL.—Subject to subpara-  
17    graph (B), the Secretary of the Army shall allo-  
18    cate the manner in which amounts available  
19    under paragraph (1) shall be available for the  
20    purposes specified in that paragraph.

21          (B) LIMITATION.—Amounts available  
22    under paragraph (1) may not be allocated  
23    under subparagraph (A) until the Secretary cer-  
24    tifies to the congressional defense committees  
25    that the Army has a validated requirement for

1 procurement for a purpose specified in para-  
2 graph (1) based on a statement of urgent needs  
3 from a commander of a combatant command.

4 (C) REPORTS.—Not later than 15 days  
5 after an allocation of funds is made under sub-  
6 paragraph (A), the Secretary shall submit to  
7 the congressional defense committees a report  
8 describing such allocation of funds.

9 **SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.**

10 (a) NAVY.—Funds are hereby authorized to be appro-  
11 priated for fiscal year 2006 for the procurement accounts  
12 of the Navy in amounts as follows:

13 (1) For aircraft, \$183,800,000.

14 (2) For weapons, including missiles and tor-  
15 pedoes, \$165,500,000.

16 (3) For other procurement, \$30,800,000.

17 (b) MARINE CORPS.—Funds are hereby authorized to  
18 be appropriated for fiscal year 2006 for the procurement  
19 account for the Marine Corps in the amount of  
20 \$89,200,000.

21 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
22 are hereby authorized to appropriated for fiscal year 2006  
23 for the procurement account for ammunition for the Navy  
24 and the Marine Corps in the amount of \$104,500,000.



1 **SEC. 1405. AIR FORCE PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2006 for the procurement accounts for the Air  
4 Force in the amounts as follows:

5 (1) For aircraft, \$104,700,000.

6 (2) For other procurement, \$51,900,000.

7 **SEC. 1406. OPERATION AND MAINTENANCE.**

8 Funds are hereby authorized to be appropriated for  
9 fiscal year 2006 for the use of the Armed Forces for ex-  
10 penses, not otherwise provided for, for operation and  
11 maintenance, in amounts as follows:

12 (1) For the Army, \$22,139,775,000, of which  
13 \$200,000,000 may be made available for linguistic  
14 support operations in Iraq and Afghanistan.

15 (2) For the Navy, \$1,944,300,000.

16 (3) For the Marine Corps, \$1,808,231,000.

17 (4) For the Air Force, \$2,635,555,000.

18 (5) For Defense-wide activities,  
19 \$3,470,118,000.

20 **SEC. 1407. DEFENSE HEALTH PROGRAM.**

21 Funds are hereby authorized to be appropriated for  
22 the Department of Defense for fiscal year 2006 for ex-  
23 penses, not otherwise provided for, the Defense Health  
24 Program, in the amount of \$977,778,000, for operation  
25 and maintenance.

1 **SEC. 1408. MILITARY PERSONNEL.**

2 Funds are hereby authorized to be appropriated to  
3 the Department of Defense for military personnel ac-  
4 counts for fiscal year 2006 in amounts as follows:

5 (1) For military personnel of the Army,  
6 \$9,517,643,000.

7 (2) For military personnel of the Navy,  
8 \$350,000,000.

9 (3) For military personnel of the Marine Corps,  
10 \$811,771,000.

11 (4) For military personnel of the Air Force,  
12 \$916,559,000.

13 **SEC. 1409. IRAQ FREEDOM FUND.**

14 (a) IN GENERAL.—Funds are hereby authorized to  
15 be appropriated for fiscal year 2006 for the Iraq Freedom  
16 Fund in the amount of \$4,325,670,000.

17 (b) LIMITATION ON AVAILABILITY OF CERTAIN  
18 AMOUNT.—Of the amount authorized to be appropriated  
19 by subsection (a), not less than \$500,000,000 shall be  
20 available only for support of activities of the Joint Impro-  
21 vised Explosive Device Task Force.

22 (c) TRANSFER.—

23 (1) TRANSFER AUTHORIZED.—Subject to para-  
24 graph (2), amounts authorized to be appropriated by  
25 subsection (a) may be transferred from the Iraq  
26 Freedom Fund to any accounts as follows:

1 (A) Operation and maintenance accounts  
2 of the Armed Forces.

3 (B) Military personnel accounts.

4 (C) Research, development, test, and eval-  
5 uation accounts of the Department of Defense.

6 (D) Procurement accounts of the Depart-  
7 ment of Defense.

8 (E) Accounts providing funding for classi-  
9 fied programs.

10 (F) The operating expenses account of the  
11 Coast Guard.

12 (2) NOTICE TO CONGRESS.—A transfer may not  
13 be made under the authority in paragraph (1) until  
14 5 days after the date on which the Secretary of De-  
15 fense notifies the congressional defense committees  
16 in writing of the transfer.

17 (3) TREATMENT OF TRANSFERRED FUNDS.—  
18 Amounts transferred to an account under the au-  
19 thority in paragraph (1) shall be merged with  
20 amounts in such account, and shall be made avail-  
21 able for the same purposes, and subject to the same  
22 conditions and limitations, as amounts in such ac-  
23 count.

24 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A  
25 transfer of an amount to an account under the au-

1       thority in paragraph (1) shall be deemed to increase  
2       the amount authorized for such account by an  
3       amount equal to the amount transferred.

4   **SEC. 1410. TRANSFER AUTHORITY.**

5       (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

6           (1) **TRANSFER AUTHORIZED.**—Upon determina-  
7       tion by the Secretary of Defense that such action is  
8       necessary in the national interest, the Secretary may  
9       transfer amounts of authorizations made available to  
10      the Department of Defense in this title for fiscal  
11      year 2006 between any such authorizations for that  
12      fiscal year (or any subdivisions thereof). Amounts of  
13      authorizations so transferred shall be merged with  
14      and be available for the same purposes as the au-  
15      thorization to which transferred.

16          (2) **LIMITATION ON AGGREGATE AMOUNT.**—The  
17      total amount of authorizations that the Secretary  
18      may transfer under the authority of this section may  
19      not exceed \$2,500,000,000.

20          (3) **CONSTRUCTION WITH OTHER TRANSFER**  
21      **AUTHORITY.**—The transfer authority provided in  
22      this section is in addition to any other transfer au-  
23      thority available to the Secretary of Defense.

24      (b) **OTHER LIMITATIONS.**—The authority provided  
25      by this section to transfer authorizations—

1           (1) may only be used to provide authority for  
2       items that have a higher priority than the items  
3       from which authority is transferred;

4           (2) may not be used to provide authority for an  
5       item that has been denied authorization by Con-  
6       gress; and

7           (3) may not be combined with the authority  
8       under section 1001.

9       (c) NOTICE AND WAIT.—A transfer may be made  
10   under the authority of this section only after the Sec-  
11   retary—

12           (1) consults with the Chairmen and Ranking  
13       Members of each of the congressional defense com-  
14       mittees with respect to such transfer; and

15           (2) on a date after consultation under para-  
16       graph (1), but not later than five days before the  
17       date of such transfer, submits to the congressional  
18       defense committees written notice of such transfer.

19       (d) EFFECT ON AUTHORIZATION AMOUNTS.—A  
20   transfer made from one account to another under the au-  
21   thority of this section shall be deemed to increase the  
22   amount authorized for the account to which the amount  
23   is transferred by an amount equal to the amount trans-  
24   ferred.

**DIVISION B—MILITARY CON-  
STRUCTION AUTHORIZA-  
TIONS**

**SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construc-  
tion Authorization Act for Fiscal Year 2006”.

**TITLE XXI—ARMY**

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND  
ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts  
appropriated pursuant to the authorization of appropria-  
tions in section 2104(a)(1), the Secretary of the Army  
may acquire real property and carry out military construc-  
tion projects for the installations or locations inside the  
United States, and in the amounts, set forth in the fol-  
lowing table:

**Army: Inside the United States**

State	Installation or location	Amount
Alabama .....	Redstone Arsenal .....	\$20,000,000
Alaska .....	Fort Richardson .....	\$4,700,000
	Fort Wainwright .....	\$39,160,000
Arizona .....	Yuma Proving Ground .....	\$8,100,000
California .....	Fort Irwin .....	\$17,000,000
	Concord .....	\$11,850,000
Colorado .....	Fort Carson .....	\$70,622,000
Georgia .....	Fort Benning .....	\$28,211,000
	Fort Gillem .....	\$8,450,000
	Fort Stewart/Hunter Army Air Field .....	\$57,980,000
Hawaii .....	Pohakuloa Training Area .....	\$60,300,000
	Schofield Barracks .....	\$53,900,000
Kansas .....	Fort Riley .....	\$33,900,000
Kentucky .....	Fort Campbell .....	\$112,875,000
Louisiana .....	Fort Polk .....	\$28,887,000
Missouri .....	Fort Leonard Wood .....	\$17,000,000
New Jersey .....	Picatinny Arsenal .....	\$4,450,000
New York .....	Fort Drum .....	\$73,350,000
	United States Military Academy, West Point .....	\$4,000,000

**Army: Inside the United States**—Continued

State	Installation or location	Amount
North Carolina .....	Fort Bragg .....	\$289,850,000
Oklahoma .....	Fort Sill .....	\$5,850,000
	McAlester Army Ammunition Plant .....	\$5,400,000
Pennsylvania .....	Letterkenny Depot .....	\$6,300,000
Texas .....	Fort Hood .....	\$46,438,000
	Fort Sam Houston .....	\$7,000,000
Utah .....	Dugway Proving Ground .....	\$25,000,000
Virginia .....	Fort A.P. Hill .....	\$2,700,000
	Fort Belvoir .....	\$18,000,000
	Fort Eustis .....	\$3,100,000
	Fort Myer .....	\$15,200,000
Washington .....	Fort Lewis .....	\$99,949,000
	Total .....	\$1,195,122,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

Country	Installation or location	Amount
Germany .....	Grafenwoehr .....	\$84,081,000
Italy .....	Pisa .....	\$5,254,000
Korea .....	Camp Humphreys .....	\$99,162,000
	Yongpyong .....	\$1,450,000
	Total .....	\$189,947,000

**SEC. 2102. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the

1 installations or locations, for the purposes, and in the  
 2 amounts set forth in the following table:

**Army: Family Housing**

State	Installation or location	Purpose	Amount
Alaska .....	Fort Richardson .....	117 Units ....	\$49,000,000
	Fort Wainwright .....	180 Units ....	\$91,000,000
Arizona .....	Fort Huachuca .....	131 Units ....	\$31,000,000
	Yuma Proving Grounds ....	35 Units .....	\$11,200,000
Oklahoma .....	Fort Sill .....	129 Units ....	\$24,000,000
Virginia .....	Fort Lee .....	96 Units .....	\$19,500,000
	Fort Monroe .....	21 Units .....	\$6,000,000
	Total .....	.....	\$231,700,000

3 (b) PLANNING AND DESIGN.—Using amounts appro-  
 4 priated pursuant to the authorization of appropriations in  
 5 section 2104(a)(5)(A), the Secretary of the Army may  
 6 carry out architectural and engineering services and con-  
 7 struction design activities with respect to the construction  
 8 or improvement of family housing units in an amount not  
 9 to exceed \$17,536,000.

10 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 11 **UNITS.**

12 Subject to section 2825 of title 10, United States  
 13 Code, and using amounts appropriated pursuant to the  
 14 authorization of appropriations in section 2104(a)(5)(A),  
 15 the Secretary of the Army may improve existing military  
 16 family housing units in an amount not to exceed  
 17 \$300,400,000.

18 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 20 are hereby authorized to be appropriated for fiscal years



1 beginning after September 30, 2005, for military con-  
2 struction, land acquisition, and military family housing  
3 functions of the Department of the Army in the total  
4 amount of \$2,966,642,000 as follows:

5 (1) For military construction projects inside the  
6 United States authorized by section 2101(a),  
7 \$1,007,222,000.

8 (2) For military construction projects outside  
9 the United States authorized by section 2101(b),  
10 \$189,947,000.

11 (3) For unspecified minor military construction  
12 projects authorized by section 2805 of title 10,  
13 United States Code, \$20,000,000.

14 (4) For architectural and engineering services  
15 and construction design under section 2807 of title  
16 10, United States Code, \$163,215,000.

17 (5) For military family housing functions:

18 (A) For construction and acquisition, plan-  
19 ning and design, and improvement of military  
20 family housing and facilities, \$549,636,000.

21 (B) For support of military family housing  
22 (including the functions described in section  
23 2833 of title 10, United States Code),  
24 \$812,993,000.

1           (6) For the construction of phase 2 of a bar-  
2       racks complex at Fort Campbell, Kentucky, author-  
3       ized by section 2101(a) of the Military Construction  
4       Authorization Act for Fiscal Year 2005 (division B  
5       of Public Law 108–375; 118 Stat. 2101),  
6       \$24,650,000.

7           (7) For the construction of phase 3 of the  
8       Lewis & Clark instructional facility at Fort Leaven-  
9       worth, Kansas, authorized by section 2101(a) of the  
10      Military Construction Authorization Act for Fiscal  
11      Year 2004 (division B of Public Law 108–136; 117  
12      Stat. 1697), \$42,642,000.

13          (8) For the construction of phase 2 of trainee  
14      barracks basic training complex 1 at Fort Knox,  
15      Kentucky, authorized by section 2101(a) of the Mili-  
16      tary Construction Authorization Act for Fiscal Year  
17      2005 (division B of Public Law 108–375; 118 Stat.  
18      2101), \$21,000,000.

19          (9) For the construction of phase 2 of a bar-  
20      racks complex renewal at Fort Bragg, North Caro-  
21      lina, authorized by section 2101(a) of the Military  
22      Construction Authorization Act for Fiscal Year 2005  
23      (division B of Public Law 108–375; 118 Stat.  
24      2101), \$30,611,000.

1           (10) For the construction of phase 2 of a li-  
2       brary and learning center at the United States Mili-  
3       tary Academy, West Point, New York, authorized by  
4       section 2101(a) of the Military Construction Author-  
5       ization Act for Fiscal Year 2005 (division B of Pub-  
6       lic Law 108–375; 118 Stat. 2101), \$25,470,000.

7           (11) For the construction of phase 2 of a bar-  
8       racks complex at Vilseck, Germany, authorized by  
9       section 2101(b) of the Military Construction Author-  
10      ization Act for Fiscal Year 2004 (division B of Pub-  
11      lic Law 108–136; 117 Stat. 1698), \$13,600,000.

12          (12) For the construction of phase 2 of a vehi-  
13      cle maintenance facility at Schofield Barracks, Ha-  
14      waii, authorized by section 2101(a) of the Military  
15      Construction Authorization Act for Fiscal Year 2005  
16      (division B of Public Law 108–375; 118 Stat.  
17      2101), \$24,656,000.

18          (13) For the construction of phase 2 of the  
19      Drum Road upgrade at Helemano Military Reserva-  
20      tion, Hawaii, authorized by section 2101(a) of the  
21      Military Construction Authorization Act for Fiscal  
22      Year 2005 (division B of Public Law 108–375; 118  
23      Stat. 2101), \$41,000,000.

24      (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
25      PROJECTS.—Notwithstanding the cost variations author-

1 ized by section 2853 of title 10, United States Code, and  
2 any other cost variation authorized by law, the total cost  
3 of all projects carried out under section 2101 of this Act  
4 may not exceed the sum of the following:

5 (1) The total amount authorized to be appro-  
6 priated under paragraphs (1), (2), and (3) of sub-  
7 section (a).

8 (2) \$16,500,000 (the balance of the amount au-  
9 thorized under section 2101(a) for construction of a  
10 barracks complex, 10300 block, Fort Drum, New  
11 York).

12 (3) \$31,000,000 (the balance of the amount au-  
13 thorized under section 2101(a) for construction of a  
14 barracks complex for the 2nd Brigade, Fort Bragg,  
15 North Carolina).

16 (4) \$77,400,000 (the balance of the amount au-  
17 thorized under section 2101(a) for construction of a  
18 barracks complex for DIVARTY, Fort Bragg, North  
19 Carolina).

20 (5) \$50,000,000 (the balance of the amount au-  
21 thorized under section 2101(a) for construction of a  
22 barracks complex for the 3rd Brigade, Fort Bragg,  
23 North Carolina).

(6) \$13,000,000 (the balance of the amount authorized under section 2101(a) for construction of a defense access road, Fort Belvoir, Virginia).

## TITLE XXII—NAVY

### SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

State	Installation or location	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	\$3,637,000
California .....	Marine Corps Air Station, Camp Pendleton .....	\$1,400,000
	Marine Corps Base, Camp Pendleton ....	\$90,437,000
	Naval Air Station, Lemoore .....	\$8,480,000
	Naval Air Warfare Center, China Lake .....	\$19,158,000
Connecticut .....	Naval Submarine Base, New London ....	\$4,610,000
Florida .....	Naval Air Station, Jacksonville .....	\$88,603,000
	Naval Air Station, Pensacola .....	\$8,710,000
	Naval Station, Mayport .....	\$10,750,000
	Navy Diving and Salvage Training Center, Panama City .....	\$9,678,000
	Whiting Field .....	\$4,670,000
Georgia .....	Albany Depot .....	\$4,000,000
	Navy Submarine Base, Kings Bay .....	\$3,000,000
Hawaii .....	Marine Corps Air Station, Kaneohe Bay .....	\$5,700,000
	Naval Base, Pearl Harbor .....	\$29,700,000
Illinois .....	Recruit Training Command, Great Lakes .....	\$167,750,000
Indiana .....	Naval Warfare Center, Crane .....	\$8,220,000
Maine .....	Naval Shipyard, Portsmouth .....	\$8,100,000
Maryland .....	Naval Air Warfare Center, Patuxent River .....	\$5,800,000
	United States Naval Academy, Annapolis .....	\$51,720,000
Mississippi .....	Naval Air Station, Meridian .....	\$10,450,000
North Carolina .....	Marine Corps Air Station, Cherry Point .....	\$27,147,000
	Marine Corps Base, Camp Lejeune .....	\$44,590,000
	Marine Corps Air Station, New River ....	\$6,840,000

**Navy: Inside the United States**—Continued

State	Installation or location	Amount
Rhode Island .....	Naval Station, Newport .....	\$10,620,000
Texas .....	Naval Air Station, Kingsville .....	\$6,010,000
Virginia .....	Marine Corps Air Field, Quantico .....	\$19,698,000
	Marine Corps Base, Quantico .....	\$4,000,000
	Naval Air Station, Oceana .....	\$11,680,000
	Naval Amphibious Base, Little Creek ....	\$36,034,000
	Naval Station, Norfolk .....	\$111,033,000
	Naval Surface Warfare Center, Dahlgren .....	\$9,960,000
Washington .....	Naval Station, Everett .....	\$70,950,000
	Naval Submarine Base, Bangor .....	\$60,160,000
	Total .....	\$963,295,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2204(a)(2), the Secretary of the Navy may  
4 acquire real property and carry out military construction  
5 projects for the installation or location outside the United  
6 States, and in the amount, set forth in the following table:

**Navy: Outside the United States**

Country	Installation or location	Amount
Guam .....	Naval Station, Guam .....	\$55,473,000
	Total .....	\$55,473,000

**SEC. 2202. FAMILY HOUSING.**

8 Using amounts appropriated pursuant to the author-  
9 ization of appropriations in section 2204(a)(5)(A), the  
10 Secretary of the Navy may construct or acquire family  
11 housing units (including land acquisition and supporting  
12 facilities) at the installation or location, for the purpose,  
13 and in the amount set forth in the following table:

**Navy: Family Housing**

State	Installation or Location	Purpose	Amount
Guam .....	Naval Station, Guam .....	126 Units ....	\$43,495,000

**Navy: Family Housing—Continued**

<b>State</b>	<b>Installation or Location</b>	<b>Purpose</b>	<b>Amount</b>
	Total .....	.....	\$43,495,000

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
2 **UNITS.**

3 Subject to section 2825 of title 10, United States  
4 Code, and using amounts appropriated pursuant to the  
5 authorization of appropriations in section 2204(a)(5)(A),  
6 the Secretary of the Navy may improve existing military  
7 family housing units in an amount not to exceed  
8 \$178,644,000.

9 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

10 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
11 are hereby authorized to be appropriated for fiscal years  
12 beginning after September 30, 2005, for military con-  
13 struction, land acquisition, and military family housing  
14 functions of the Department of the Navy in the total  
15 amount of \$1,918,465,000, as follows:

16 (1) For military construction projects inside the  
17 United States authorized by section 2201(a),  
18 \$761,751,000.

19 (2) For military construction projects outside  
20 the United States authorized by section 2201(b),  
21 \$25,584,000.

1           (3) For unspecified minor construction projects  
2           authorized by section 2805 of title 10, United States  
3           Code, \$1.

4           (4) For architectural and engineering services  
5           and construction design under section 2807 of title  
6           10, United States Code, \$54,507,000.

7           (5) For military family housing functions:

8                 (A) For construction and acquisition, plan-  
9                 ning and design, and improvement of military  
10                family housing and facilities, \$222,139,000.

11               (B) For support of military family housing  
12                (including functions described in section 2833  
13                of title 10, United States Code), \$593,660,000.

14           (6) For the construction of increment 2 of the  
15           Presidential Helicopter program support facility at  
16           Naval Air Warfare Station, Patuxent River, Mary-  
17           land, authorized by section 2201(c) of the Military  
18           Construction Authorization Act for Fiscal Year 2005  
19           (division B of Public Law 108–375; 118 Stat.  
20           2106), \$55,700,000.

21           (7) For the construction of increment 2 of the  
22           apron and hangar recapitalization at Naval Air  
23           Field, El Centro, California, authorized by section  
24           2201(a) of the Military Construction Authorization



1 Act for Fiscal Year 2005 (division B of Public Law  
2 108–375; 118 Stat. 2105), \$18,666,000.

3 (8) For the construction of increment 3 of pier  
4 11 replacement at Naval Station, Norfolk, Virginia,  
5 authorized by section 2201(a) of the Military Con-  
6 struction Authorization Act for Fiscal Year 2004  
7 (division B of Public Law 108–136; 117 Stat.  
8 1704), \$40,200,000.

9 (9) For the construction of increment 2 of the  
10 limited area production and storage complex at Stra-  
11 tegic Weapons Facility Pacific, Bangor, Washington,  
12 authorized by section 2201(a) of the Military Con-  
13 struction Authorization Act for Fiscal Year 2005  
14 (division B of Public Law 108–375; 118 Stat.  
15 2106), \$47,095,000.

16 (10) For the construction of increment 2 of a  
17 White Side complex at Marine Corps Air Facility,  
18 Quantico, Virginia, authorized by section 2201(a) of  
19 the Military Construction Authorization Act for Fis-  
20 cal Year 2005 (division B of Public Law 108–375;  
21 118 Stat. 2106), \$34,730,000.

22 (11) For the construction of increment 3 of the  
23 general purpose berthing pier at Naval Weapons  
24 Station, Earle, New Jersey, authorized by section  
25 2201(a) of the Military Construction Authorization

1 Act for Fiscal Year 2004 (division B of Public Law  
2 108–136; 117 Stat. 1704), \$64,432,000.

3 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
4 PROJECTS.—Notwithstanding the cost variations author-  
5 ized by section 2853 of title 10, United States Code, and  
6 any other cost variation authorized by law, the total cost  
7 of all projects carried out under section 2201 of this Act  
8 may not exceed the sum of the following:

9 (1) The total amount authorized to be appro-  
10 priated under paragraphs (1), (2), and (3) of sub-  
11 section (a).

12 (2) \$43,424,000 (the balance of the amount au-  
13 thorized under section 2201(a) to replace a heli-  
14 copter hangar, Naval Air Station, Jacksonville, Flor-  
15 ida).

16 (3) \$45,850,000 (the balance of the amount au-  
17 thorized under section 2201(a) to upgrade infra-  
18 structure, Recruit Training Command, Great Lakes,  
19 Illinois).

20 (4) \$26,790,000 (the balance of the amount au-  
21 thorized under section 2201(a) for construction of  
22 the Wesley Brown Field House, United States Naval  
23 Academy, Annapolis, Maryland).

1           (5) \$31,059,000 (the balance of the amount au-  
 2           thorized under section 2201(a) to replace ship repair  
 3           pier 3, Naval Station, Norfolk, Virginia).

4           (6) \$21,000,000 (the balance of the amount au-  
 5           thorized under section 2201(a) for construction of a  
 6           bachelor enlisted quarters for the homeport ashore  
 7           program, Naval Station, Everett, Washington).

8           (7) \$33,421,000 (the balance of the amount au-  
 9           thorized under section 2201(a) to perform reclama-  
 10          tion and conveyance activities, Marine Corps Base,  
 11          Camp Pendleton, California).

12          (8) \$29,889,000 (the balance of the amount au-  
 13          thorized under section 2201(b) to improve Alpha/  
 14          Bravo wharves, Naval Station, Guam).

15          (c) ADJUSTMENT.—The total amount authorized to  
 16          be appropriated pursuant to paragraphs (1) through (11)  
 17          of subsection (a) is the sum of the amounts authorized  
 18          to be appropriated in such paragraphs, reduced by  
 19          \$92,354,000, which represents prior year savings.

20       **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 21               **CERTAIN FISCAL YEAR 2005 PROJECTS.**

22          (a) MODIFICATION OF INSIDE THE UNITED STATES  
 23          PROJECTS.—The table in section 2201(a) of the Military  
 24          Construction Authorization Act for Fiscal Year 2005 (di-

1 vision B of Public Law 108–375; 118 Stat. 2106) is  
2 amended—

3 (1) in the item relating to Marine Corps Air  
4 Facility, Quantico, Virginia, by striking  
5 “\$73,838,000” in the amount column and inserting  
6 “\$74,470,000”; and

7 (2) by striking the amount identified as the  
8 total in the amount column and inserting  
9 “\$952,687,000”.

10 (b) MODIFICATION OF UNSPECIFIED WORLDWIDE  
11 PROJECT.—The table in section 2201(c) of the Military  
12 Construction Authorization Act for Fiscal Year 2005 (di-  
13 vision B of Public Law 108–375; 118 Stat. 2106) is  
14 amended—

15 (1) in the item relating to Unspecified World-  
16 wide, by striking “\$105,982,000” in the amount col-  
17 umn and inserting “\$95,200,000”; and

18 (2) by striking the amount identified as the  
19 total in the amount column and inserting  
20 “\$95,200,000”.

21 (c) CONFORMING AMENDMENTS.—Section 2204(b)  
22 of that Act (118 Stat. 2108) is amended—

23 (1) in paragraph (4), by striking  
24 “\$34,098,000” and inserting “\$34,730,000”; and

1           (2)     in     paragraph     (7),     by     striking  
2     “\$65,982,000” and inserting “\$55,200,000”.

3 **SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT**  
4 **CERTAIN FISCAL YEAR 2004 PROJECT.**

5     (a) MODIFICATION OF INSIDE THE UNITED STATES  
6 PROJECT.—The table in section 2201(a) of the Military  
7 Construction Authorization Act for Fiscal Year 2004 (di-  
8 vision B of Public Law 108–136; 117 Stat. 1704) is  
9 amended—

10           (1) in the item relating to Naval Weapons Sta-  
11 tion, Earle, New Jersey, by striking “\$123,720,000”  
12 in the amount column and inserting  
13 “\$140,372,000”; and

14           (2) by striking the amount identified as the  
15 total in the amount column and inserting  
16 “\$1,352,524,000”.

17     (b) CONFORMING AMENDMENT.—Section 2204(b)(4)  
18 of that Act is amended by striking “\$96,980,000” and in-  
19 serting “\$113,652,000”.

20 **TITLE XXIII—AIR FORCE**

21 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**  
22 **LAND ACQUISITION PROJECTS.**

23     (a) INSIDE THE UNITED STATES.—Using amounts  
24 appropriated pursuant to the authorization of appropria-  
25 tions in section 2304(a)(1), the Secretary of the Air Force

- 1 may acquire real property and carry out military construc-  
 2 tion projects for the installations or locations inside the  
 3 United States, and in the amounts, set forth in the fol-  
 4 lowing table:

**Air Force: Inside the United States**

State	Installation or location	Amount
Alabama .....	Maxwell Air Force Base .....	\$14,900,000
Alaska .....	Clear Air Station .....	\$20,000,000
	Elmendorf Air Force Base .....	\$92,820,000
Arizona .....	Davis-Monthan Air Force Base .....	\$8,600,000
	Luke Air Force Base .....	\$13,000,000
Arkansas .....	Little Rock Air Force Base .....	\$2,500,000
California .....	Beale Air Force Base .....	\$14,200,000
	Edwards Air Force Base .....	\$103,000,000
	Los Angeles Air Force Base .....	\$2,500,000
	Travis Air Force Base .....	\$42,500,000
	Vandenberg Air Force Base .....	\$16,845,000
Colorado .....	Buckley Air Force Base .....	\$20,100,000
	Peterson Air Force Base .....	\$12,800,000
	United States Air Force Academy ..	\$13,000,000
Delaware .....	Dover Air Force Base .....	\$19,000,000
District of Columbia .....	Bolling Air Force Base .....	\$14,900,000
Florida .....	Cape Canaveral .....	\$6,200,000
	Hurlburt Field .....	\$2,540,000
	MacDill Air Force Base .....	\$107,200,000
	Tyndall Air Force Base .....	\$11,500,000
Georgia .....	Robins Air Force Base .....	\$2,000,000
Hawaii .....	Hickam Air Force Base .....	\$13,378,000
Idaho .....	Mountain Home Air Force Base ....	\$9,835,000
Louisiana .....	Barksdale Air Force Base .....	\$10,800,000
Massachusetts .....	Hanscom Air Force Base .....	\$3,900,000
Mississippi .....	Columbus Air Force Base .....	\$10,000,000
	Keesler Air Force Base .....	\$47,500,000
Missouri .....	Whiteman Air Force Base .....	\$5,721,000
Montana .....	Malmstrom Air Force Base .....	\$13,500,000
Nebraska .....	Offutt Air Force Base .....	\$63,080,000
Nevada .....	Indian Springs Air Force Auxiliary Field .....	\$60,724,000
	Nellis Air Force Base .....	\$24,370,000
New Jersey .....	McGuire Air Force Base .....	\$13,185,000
New Mexico .....	Holloman Air Force Base .....	\$15,000,000
	Kirtland Air Force Base .....	\$6,600,000
North Dakota .....	Minot Air Force Base .....	\$8,700,000
Ohio .....	Wright-Patterson Air Force Base ..	\$19,670,000
Oklahoma .....	Tinker Air Force Base .....	\$31,960,000
	Vance Air Force Base .....	\$14,000,000
South Carolina .....	Charleston Air Force Base .....	\$2,583,000
	Shaw Air Force Base .....	\$9,730,000
South Dakota .....	Ellsworth Air Force Base .....	\$8,400,000
Texas .....	Sheppard Air Force Base .....	\$36,000,000
Utah .....	Hill Air Force Base .....	\$33,900,000
Virginia .....	Langley Air Force Base .....	\$38,665,000
Washington .....	Fairchild Air Force Base .....	\$6,800,000
	Total .....	\$1,048,106,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts set forth in the following table:

**Air Force: Outside the United States**

Country	Installation or location	Amount
Germany .....	Ramstein Air Base .....	\$11,650,000
	Spangdahlem Air Base .....	\$12,474,000
Guam .....	Andersen Air Base .....	\$18,500,000
Italy .....	Aviano Air Base .....	\$22,660,000
Korea .....	Kunsan Air Base .....	\$44,188,000
	Osan Air Base .....	\$39,719,000
Portugal .....	Lajes Field, Azores .....	\$12,000,000
Turkey .....	Incirlik Air Base .....	\$5,780,000
United Kingdom .....	Royal Air Force, Lakenheath .....	\$5,125,000
	Royal Air Force, Mildenhall .....	\$13,500,000
	Total .....	\$185,596,000

**SEC. 2302. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

**Air Force: Family Housing**

State	Installation or location	Purpose	Amount
Alaska .....	Eielson Air Force Base ....	392 Units ....	\$55,794,000
California .....	Edwards Air Force Base ...	226 Units ....	\$59,699,000
Florida .....	MacDill Air Force Base ....	109 Units ....	\$40,982,000
Idaho .....	Mountain Home Air Force Base .....	194 Units ....	\$56,467,000
Missouri .....	Whiteman Air Force Base	111 Units ....	\$26,917,000

**Air Force: Family Housing—Continued**

<b>State</b>	<b>Installation or location</b>	<b>Purpose</b>	<b>Amount</b>
Montana .....	Malmstrom Air Force Base	296 Units ....	\$68,971,000
North Carolina .....	Seymour Johnson Air Force Base .....	255 Units ....	\$48,868,000
North Dakota .....	Grand Forks Air Force Base .....	300 Units ....	\$86,706,000
	Minot Air Force Base .....	223 Units ....	\$44,548,000
South Carolina .....	Charleston Air Force Base	10 Units .....	\$15,935,000
South Dakota .....	Ellsworth Air Force Base	60 Units .....	\$14,383,000
Texas .....	Dyess Air Force Base .....	190 Units ....	\$43,016,000
Germany .....	Ramstein Air Base .....	101 Units ....	\$62,952,000
Turkey .....	Incirlik Air Base .....	100 Units ....	\$22,730,000
United Kingdom .....	Royal Air Force, Lakenheath .....	107 Units ....	\$48,437,000
	Total .....	.....	\$696,405,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2304(a)(5)(A), the Secretary of the Air Force may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of military family housing units in an  
7 amount not to exceed \$37,104,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9 **UNITS.**

10 Subject to section 2825 of title 10, United States  
11 Code, and using amounts appropriated pursuant to the  
12 authorization of appropriations in section 2304(a)(5)(A),  
13 the Secretary of the Air Force may improve existing mili-  
14 tary family housing units in an amount not to exceed  
15 \$409,113,000.



1 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
2 **FORCE.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
4 are hereby authorized to be appropriated for fiscal years  
5 beginning after September 30, 2005, for military con-  
6 struction, land acquisition, and military family housing  
7 functions of the Department of the Air Force in the total  
8 amount of \$3,116,982,000, as follows:

9 (1) For military construction projects inside the  
10 United States authorized by section 2301(a),  
11 \$923,106,000.

12 (2) For military construction projects outside  
13 the United States authorized by section 2301(b),  
14 \$185,596,000.

15 (3) For unspecified minor military construction  
16 projects authorized by section 2805 of title 10,  
17 United States Code, \$15,000,000.

18 (4) For architectural and engineering services  
19 and construction design under section 2807 of title  
20 10, United States Code, \$83,719,000.

21 (5) For military family housing functions:

22 (A) For construction and acquisition, plan-  
23 ning and design, and improvement of military  
24 family housing and facilities, \$1,142,622,000.

1 (B) For support of military family housing  
2 (including functions described in section 2833  
3 of title 10, United States Code), \$766,939,000.

4 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
5 PROJECTS.—Notwithstanding the cost variations author-  
6 ized by section 2853 of title 10, United States Code, and  
7 any other cost variation authorized by law, the total cost  
8 of all projects carried out under section 2301 of this Act  
9 may not exceed the sum of the following:

10 (1) The total amount authorized to be appro-  
11 priated under paragraphs (1), (2), and (3) of sub-  
12 section (a).

13 (2) \$30,000,000 (the balance of the amount au-  
14 thorized under section 2301(a) for a C-17 mainte-  
15 nance complex, Elmendorf Air Force Base, Alaska).

16 (3) \$66,000,000 (the balance of the amount au-  
17 thorized under section 2301(a) to replace the main  
18 runway, Edwards Air Force Base, California).

19 (4) \$29,000,000 (the balance of the amount au-  
20 thorized under section 2301(a) for construction of a  
21 joint intelligence center for Headquarters, Central  
22 Command, MacDill Air Force Base, Florida).

# TITLE XXIV—DEFENSE AGENCIES

## SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

Agency	Installation or location	Amount
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia .....	\$7,900,000
Defense Logistics Agency .....	Cannon Air Force Base, New Mexico	\$13,200,000
	Defense Distribution Depot, New Cumberland, Pennsylvania .....	\$6,500,000
	Defense Distribution Depot, Tracy, California .....	\$33,635,000
	Fort Belvoir, Virginia .....	\$4,500,000
	Marine Corps Air Station Yuma, Arizona .....	\$7,300,000
	McConnell Air Force Base, Kansas	\$15,800,000
	Miramar, California .....	\$23,000,000
	Naval Station, Norfolk, Virginia .....	\$6,700,000
	Seymour Johnson Air Force Base, North Carolina .....	\$18,500,000
Defense Education Agency ...	Fort Bragg, North Carolina .....	\$18,075,000
	Fort Stewart/Hunter Army Air Field, Georgia .....	\$16,629,000
National Security Agency .....	Augusta, Georgia .....	\$61,466,000
	Fort Meade, Maryland .....	\$28,049,000
	Kunio, Hawaii .....	\$61,466,000
Special Operations Command	Eglin Air Force Base, Florida .....	\$12,800,000
	Fort Bragg, North Carolina .....	\$14,769,000
	Fort Campbell, Kentucky .....	\$37,800,000
	Fort Lewis, Washington .....	\$53,300,000
	Fort Stewart/Hunter Army Air Field, Georgia .....	\$10,000,000
	Naval Surface Warfare Center, Corona, California .....	\$28,350,000
TRICARE Management Activity .....	Beale Air Force Base, California .....	\$18,000,000
	Charleston, South Carolina .....	\$35,000,000
	Fort Detrick, Maryland .....	\$55,200,000
	Keesler Air Force Base, Mississippi	\$14,000,000

**Defense Agencies: Inside the United States**—Continued

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
	Lackland Air Force Base, Texas .....	\$11,000,000
	Naval Hospital, San Diego, California .....	\$15,000,000
	Nellis Air Force Base, Nevada .....	\$1,700,000
	Uniformed Services University of the Health Sciences, Bethesda, Maryland .....	\$10,350,000
	Peterson Air Force Base, Colorado ..	\$1,820,000
	Total .....	\$641,809,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2403(a)(2), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Defense Agencies: Outside the United States**

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Defense Education Agency ...	Landstuhl, Germany .....	\$6,543,000
	Vilseck, Germany .....	\$2,323,000
	Agana, Guam .....	\$40,578,000
	Taegu, Korea .....	\$8,231,000
	Naval Station, Rota, Spain .....	\$7,963,000
Defense Logistics Agency .....	Souda Bay, Greece .....	\$7,089,000
Missile Defense Agency .....	Kwajalien Atoll, Kwajalien .....	\$4,901,000
National Security Agency .....	Menwith Hall, United Kingdom .....	\$41,697,000
TRICARE Management Activity .....	Bahrain, SWA .....	\$4,750,000
	Total .....	\$124,075,000

8 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

9 Using amounts appropriated pursuant to the author-  
10 ization of appropriations in section 2403(a)(6), the Sec-  
11 retary of Defense may carry out energy conservation  
12 projects under section 2865 of title 10, United States  
13 Code, in the amount of \$60,000,000.

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**  
2 **FENSE AGENCIES.**

3 (a) IN GENERAL.—Funds are hereby authorized to  
4 be appropriated for fiscal years beginning after September  
5 30, 2005, for military construction, land acquisition, and  
6 military family housing functions of the Department of  
7 Defense (other than the military departments) in the total  
8 amount of \$2,973,914,000, as follows:

9 (1) For military construction projects inside the  
10 United States authorized by section 2401(a),  
11 \$641,809,000.

12 (2) For military construction projects outside  
13 the United States authorized by section 2401(b),  
14 \$123,104,000.

15 (3) For unspecified minor military construction  
16 projects under section 2805 of title 10, United  
17 States Code, \$15,736,000.

18 (4) For contingency construction projects of the  
19 Secretary of Defense under section 2804 of title 10,  
20 United States Code, \$10,000,000.

21 (5) For architectural and engineering services  
22 and construction design under section 2807 of title  
23 10, United States Code, \$135,081,000.

24 (6) For energy conservation projects authorized  
25 by section 2403 of this Act, \$60,000,000.

1           (7) For base closure and realignment activities  
2 funded through the account created pursuant to sec-  
3 tion 2906 of, and authorized by, the Defense Base  
4 Closure and Realignment Act of 1990 (part A of  
5 title XXIX of Public Law 101–510; 10 U.S.C. 2687  
6 note), \$377,827,000.

7           (8) For base closure and realignment activities  
8 funded through the account created pursuant to sec-  
9 tion 2906A of, and authorized by, the Defense Base  
10 Closure and Realignment Act of 1990 (part A of  
11 title XXIX of Public Law 101–510; 10 U.S.C. 2687  
12 note), \$1,504,466,000.

13           (9) For military family housing functions:

14               (A) For support of military family housing  
15 (including functions described in section 2833  
16 of title 10, United States Code), \$46,391,000.

17               (B) For credit to the Department of De-  
18 fense Family Housing Improvement Fund es-  
19 tablished by section 2883(a)(1) of title 10,  
20 United States Code, \$2,500,000.

21           (10) For the construction of increment 2 of the  
22 hospital replacement at Fort Belvoir, Virginia, au-  
23 thorized by section 2401(a) of the Military Construc-  
24 tion Authorization Act of Fiscal Year 2005 (division

1 B of Public Law 108–375; 118 Stat. 2100),  
2 \$57,000,000.

3 (b) NOTICE AND WAIT REQUIREMENT APPLICABLE  
4 TO OBLIGATION OF FUNDS FOR BASE CLOSURE AND RE-  
5 ALIGNMENT ACTIVITIES.—None of the funds authorized  
6 to be appropriated by subsection (a)(8) may be obligated  
7 until 21 days after the date on which the Secretary of  
8 Defense submits to the congressional defense committees  
9 a report describing the specific programs, projects, and  
10 activities for which such funds are to be obligated.

11 **TITLE XXV—NORTH ATLANTIC**  
12 **TREATY ORGANIZATION SE-**  
13 **CURITY INVESTMENT PRO-**  
14 **GRAM**

15 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
16 **ACQUISITION PROJECTS.**

17 The Secretary of Defense may make contributions for  
18 the North Atlantic Treaty Organization Security Invest-  
19 ment program as provided in section 2806 of title 10,  
20 United States Code, in an amount not to exceed the sum  
21 of the amount authorized to be appropriated for this pur-  
22 pose in section 2502 and the amount collected from the  
23 North Atlantic Treaty Organization as a result of con-  
24 struction previously financed by the United States.

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 Funds are hereby authorized to be appropriated for  
 3 fiscal years beginning after September 30, 2005, for con-  
 4 tributions by the Secretary of Defense under section 2806  
 5 of title 10, United States Code, for the share of the United  
 6 States of the cost of projects for the North Atlantic Treaty  
 7 Organization Security Investment program authorized by  
 8 section 2501, in the amount of \$206,858,000.

9 **TITLE XXVI—GUARD AND**  
 10 **RESERVE FORCES FACILITIES**

11 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**  
 12 **TION AND LAND ACQUISITION PROJECTS.**

13 Funds are hereby authorized to be appropriated for  
 14 fiscal years beginning after September 30, 2005, for the  
 15 costs of acquisition, architectural and engineering services,  
 16 and construction of facilities for the reserve components,  
 17 and for contributions therefore, under chapter 1803 of  
 18 title 10, United States Code (including the cost of acqui-  
 19 sition of land for those facilities), in the following amounts:

20 (1) For the Department of the Army—

21 (A) for the Army National Guard of the  
 22 United States, \$464,680,000; and

23 (B) for the Army Reserve, \$121,077,000.

24 (2) For the Department of the Navy, for the  
 25 Naval and Marine Corps Reserve, \$50,226,000.

26 (3) For the Department of the Air Force—



1 (A) for the Air National Guard of the  
 2 United States, \$245,861,000; and

3 (B) for the Air Force Reserve,  
 4 \$79,260,000.

5 **TITLE XXVII—EXPIRATION AND**  
 6 **EXTENSION OF AUTHORIZA-**  
 7 **TIONS**

8 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**  
 9 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
 10 **LAW.**

11 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
 12 YEARS.—Except as provided in subsection (b), all author-  
 13 izations contained in titles XXI through XXVI for military  
 14 construction projects, land acquisition, family housing  
 15 projects and facilities, and contributions to the North At-  
 16 lantic Treaty Organization Security Investment program  
 17 (and authorizations of appropriations therefor) shall ex-  
 18 pire on the later of—

19 (1) October 1, 2008; or

20 (2) the date of the enactment of an Act author-  
 21 izing funds for military construction for fiscal year  
 22 2009.

23 (b) EXCEPTION.—Subsection (a) shall not apply to  
 24 authorizations for military construction projects, land ac-  
 25 quisition, family housing projects and facilities, and con-

1 tributions to the North Atlantic Treaty Organization Se-  
 2 curity Investment program (and authorizations of appro-  
 3 priations therefor), for which appropriated funds have  
 4 been obligated before the later of—

5 (1) October 1, 2008; or

6 (2) the date of the enactment of an Act author-  
 7 izing funds for fiscal year 2009 for military con-  
 8 struction projects, land acquisition, family housing  
 9 projects and facilities, or contributions to the North  
 10 Atlantic Treaty Organization Security Investment  
 11 program.

12 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 13 **FISCAL YEAR 2003 PROJECTS.**

14 (a) EXTENSION.—Notwithstanding section 2701 of  
 15 the Military Construction Authorization Act for Fiscal  
 16 Year 2003 (division B of Public Law 107–314; 116 Stat.  
 17 2681), authorizations set forth in the tables in subsection  
 18 (b), as provided in sections 2301, 2302, and 2401 of that  
 19 Act, shall remain in effect until October 1, 2006, or the  
 20 date of the enactment of an Act authorizing funds for mili-  
 21 tary construction for fiscal year 2007, whichever is later.

22 (b) TABLES.—The tables referred to in subsection (a)  
 23 are as follows:

**Air Force: Extension of 2003 Project Authorizations**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
Florida .....	Eglin Air Force Base ..	Replace family housing (134 Units) .....	\$15,906,000
Florida .....	Eglin Air Force Base ..	Replace Family Housing Office .....	\$597,000
Mississippi .....	Keesler Air Force Base	Replace family housing (117 Units) .....	\$16,505,000
Texas .....	Randolph Air Force Base .....	Replace family housing (112 Units) .....	\$14,311,000
Texas .....	Randolph Air Force Base .....	Replace Housing Maintenance Facility .....	\$447,000
Italy .....	Aviano Air Base .....	Consolidate Area A-1 and A-2 .....	\$5,000,000

**Defense Wide: Extension of 2003 Project Authorization**

<b>Agency</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
Special Operations Command.	Stennis Space Center, Mississippi .....	SOF Training Range .....	\$5,000,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
2 **FISCAL YEAR 2002 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of  
4 the Military Construction Authorization Act for Fiscal  
5 Year 2002 (division B of Public Law 107–107; 115 Stat.  
6 1301), authorizations set forth in the tables in subsection  
7 (b), as provided in sections 2101 and 2302 of that Act,  
8 shall remain in effect until October 1, 2006, or the date  
9 of the enactment of an Act authorizing funds for military  
10 construction for fiscal year 2007, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Army: Extension of 2002 Project Authorization**

State	Installation or location	Project	Amount
Hawaii .....	Pohakuloa Training Facility .....	Land purchase	\$1,500,000

**Air Force: Extension of 2002 Project Authorization**

State	Installation or location	Project	Amount
Louisiana .....	Barksdale Air Force Base .....	Replace family housing (56 Units) .....	\$7,300,000

**SEC. 2704. EFFECTIVE DATE.**

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

- (1) October 1, 2005; or
- (2) the date of the enactment of this Act.

**TITLE XXVIII—GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

**SEC. 2801. INCREASE IN THRESHOLDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.**

(a) INCREASE.—Section 2805(a)(1) of title 10, United States Code, is amended—

- (1) by striking “\$1,500,000” and inserting “\$2,500,000”; and

1           (2) by striking “\$3,000,000” and inserting  
2           “\$4,000,000”.

3           (b) EFFECTIVE DATE.—The amendments made by  
4 subsection (a) shall take effect on October 1, 2005.

5 **SEC. 2802. MODIFICATION OF COST VARIATION AUTHORITY.**

6           (a) LIMITATION ON COST DECREASES RELATED TO  
7 MILITARY CONSTRUCTION AND MILITARY FAMILY HOUS-  
8 ING PROJECTS.—Section 2853 of title 10, United States  
9 Code, is amended—

10           (1) in subsection (a)—

11               (A) by striking “may be increased by not  
12 more than 25 percent” and inserting “may be  
13 increased or decreased by not more than 25  
14 percent”; and

15               (B) by striking “if the Secretary concerned  
16 determines that such an increase in cost is re-  
17 quired” and inserting “if the Secretary con-  
18 cerned determines that such revised cost is re-  
19 quired”;

20           (2) in subsection (c)—

21               (A) by striking “limitation on cost in-  
22 crease” and inserting “limitation on cost vari-  
23 ations”; and

24               (B) by striking “the increase” both place  
25 it appears and inserting “the variation”; and

1           (3) in subsection (d), by striking “limitation on  
2           cost increases” and inserting “limitation on cost  
3           variations”.

4           (b) ADDITIONAL INFORMATION REQUIRED FOR NO-  
5           TIFICATION IN CONNECTION WITH WAIVER OF LIMITA-  
6           TIONS ON COST INCREASES.—Subsection (c)(2) of such  
7           section is further amended by inserting after “the reasons  
8           therefor” the following: “, including a description of the  
9           funds proposed to be used to finance any increased costs”.

10          (c) TECHNICAL AMENDMENTS.—

11           (1) SECTION HEADING.—The heading of such  
12           section is amended to read as follows:

13           **“§ 2853. Authorized cost and scope of work vari-**  
14           **ations”.**

15           (2) TABLE OF SECTIONS.—The item relating to  
16           such section in the table of sections at the beginning  
17           of chapter 169 of such title is amended to read as  
18           follows:

“2853. Authorized cost and scope of work variations.”.

19           **SEC. 2803. DEPARTMENT OF DEFENSE HOUSING FUNDS.**

20           (a) REQUIREMENT TO FUND CERTAIN ACQUISITION  
21           AND IMPROVEMENT OF MILITARY HOUSING SOLELY  
22           THROUGH DEFENSE HOUSING FUNDS.—Subsection (e) of  
23           section 2883 of title 10, United States Code, is amended—

24           (1) by striking “The Secretary” and inserting  
25           “(1) The Secretary”; and

1           (2) by adding at the end the following new  
2       paragraph:

3       “(2) The Funds established under subsection (a)  
4 shall be the sole source of funds for activities carried out  
5 under this subchapter.”.

6       (b) AUTHORITY TO TRANSFER FUNDS APPRO-  
7 PRIATED FOR THE IMPROVEMENT OF MILITARY FAMILY  
8 HOUSING TO DEFENSE HOUSING FUNDS.—Subsection  
9 (c)(1)(B) of such section is amended by striking “acquisi-  
10 tion or construction” and inserting “acquisition, improve-  
11 ment, or construction”.

12       (c) REPORTING REQUIREMENTS RELATED TO DE-  
13 PARTMENT OF DEFENSE HOUSING FUNDS.—Section  
14 2884 of such title is amended—

15           (1) in subsection (a)(2)(D), by inserting after  
16       “description of the source of such funds” the fol-  
17       lowing: “, including a description of the specific con-  
18       struction, acquisition, or improvement projects from  
19       which funds were transferred to the Funds estab-  
20       lished under section 2883 of this title in order to fi-  
21       nance the contract, conveyance, or lease”; and

22           (2) in subsection (b)(1)—

23               (A) by striking “a report” and inserting “a  
24       separate report”;

1 (B) by striking “covering the Funds” and  
 2 inserting “covering each of the Funds”; and

3 (C) by striking the period at the end and  
 4 inserting the following: “, including a descrip-  
 5 tion of the specific construction, acquisition, or  
 6 improvement projects from which funds were  
 7 transferred and the privatization projects or  
 8 contracts to which those funds were trans-  
 9 ferred. Each report shall also include, for each  
 10 military department or defense agency, a de-  
 11 scription of all funds to be transferred to such  
 12 Funds for the current fiscal year and the next  
 13 fiscal year.”.

14 **SEC. 2804. TEMPORARY AUTHORITY TO USE MINOR MILI-**  
 15 **TARY CONSTRUCTION AUTHORITY FOR CON-**  
 16 **STRUCTION OF CHILD DEVELOPMENT CEN-**  
 17 **TERS.**

18 (a) **THRESHOLDS ON CONSTRUCTION AUTHOR-**  
 19 **IZED.**—The Secretary of Defense shall establish a pro-  
 20 gram to carry out minor military construction projects  
 21 under section 2805 of title 10, United States Code, to con-  
 22 struct child development centers.

23 (b) **INCREASED MAXIMUM AMOUNTS APPLICABLE TO**  
 24 **MINOR CONSTRUCTION PROJECTS.**—For the purpose of



1 any military construction project carried out under the au-  
2 thority provided by this section—

3 (1) the amount specified in the second sentence  
4 of subsection (a)(1) of section 2805 of title 10,  
5 United States Code, shall be deemed to be  
6 \$7,000,000;

7 (2) the amount specified in the third sentence  
8 of subsection (a)(1) of such section shall be deemed  
9 to be \$8,000,000;

10 (3) the amount specified in subsection (b)(1) of  
11 such section shall be deemed to be \$5,000,000;

12 (4) the amount specified in subsection (c)(1)(A)  
13 of such section shall be deemed to be \$7,000,0000;  
14 and

15 (5) the amount specified in subsection (c)(1)(B)  
16 of such section shall be deemed to be \$5,000,000.

17 (c) PROGRAM REQUIREMENTS.—

18 (1) NOTIFICATION.—All notification require-  
19 ments under such section shall remain in effect for  
20 construction projects carried out under the authority  
21 provided by this section.

22 (2) REVIEW AND APPROVAL.—The Secretary  
23 shall establish procedures for the review and ap-  
24 proval of requests from the Secretaries of military

1 departments to carry out construction projects under  
2 the authority provided by this section.

3 (d) REPORT ON PROGRAM.—

4 (1) REPORT REQUIRED.—Not later than March  
5 1, 2007, the Secretary of Defense shall submit to  
6 the congressional defense committees a report on the  
7 program authorized under this section.

8 (2) CONTENT.—The report shall include—

9 (A) a list and description of the construc-  
10 tion projects carried out under the program, in-  
11 cluding the location and cost of each such  
12 project; and

13 (B) the assessment of the Secretary of the  
14 advisability of extending or expanding the au-  
15 thority for the program under this section.

16 (e) EXPIRATION OF AUTHORITY.—The authority pro-  
17 vided by this section expires on September 30, 2007.

18 (f) CONSTRUCTION OF AUTHORITY.—Nothing in this  
19 section may be construed to limit any other authority pro-  
20 vided by law for a military construction project at a child  
21 development center.

22 (g) CHILD DEVELOPMENT CENTER DEFINED.—In  
23 this section, the term “child development center” includes  
24 a facility, and the utilities to support such facility, the  
25 function of which is to support the daily care of children

1 aged 6 weeks old through 5 years old for full-day, part-  
 2 day, and hourly service.

3 **SEC. 2805. INAPPLICABILITY TO CHILD DEVELOPMENT**  
 4 **CENTERS OF RESTRICTION ON AUTHORITY**  
 5 **TO ACQUIRE OR CONSTRUCT ANCILLARY**  
 6 **SUPPORTING FACILITIES.**

7 Section 2881(b) of title 10, United States Code, is  
 8 amended by inserting “, other than a project for the acqui-  
 9 sition or construction of a child development center,” after  
 10 “A project referred to in subsection (a)”.

11 **SEC. 2806. AUTHORITY TO CARRY OUT EXCHANGES OF FA-**  
 12 **CILITIES INCLUDING ASSOCIATED UTILITIES,**  
 13 **EQUIPMENT, AND FURNISHINGS.**

14 (a) IN GENERAL.—Section 18240 of title 10, United  
 15 States Code, is amended by adding at the end the fol-  
 16 lowing new subsection:

17 “(h) FACILITY DEFINED.—In this section, the term  
 18 ‘facility’ includes—

19 “(1) any facility, as that term is defined in sec-  
 20 tion 18232(2) of this title; and

21 “(2) any associated utilities, equipment, and  
 22 furnishings required to be installed in any such facil-  
 23 ity.”.

24 (b) TEMPORARY AUTHORITY RELATED TO CASH  
 25 EQUALIZATION PAYMENTS.—Section 2809(c)(4) of the

1 Ronald W. Reagan National Defense Authorization Act  
 2 for Fiscal Year 2005 (Public Law 108–375; 118 Stat.  
 3 2127) is amended by striking “the term ‘facility’ has the  
 4 meaning given that term in section 18232(2) of title 10,  
 5 United States Code” and inserting the following: “the  
 6 term ‘facility’ has the meaning given that term in section  
 7 18240(h) of title 10, United States Code”.

8 **SEC. 2807. INCREASE IN NUMBER OF FAMILY HOUSING**  
 9 **UNITS IN KOREA AUTHORIZED FOR LEASE BY**  
 10 **THE ARMY AT MAXIMUM AMOUNT.**

11 Section 2828(e)(4) of title 10, United States Code,  
 12 is amended by striking “2,400” and inserting “2,800”.

13 **Subtitle B—Real Property and**  
 14 **Facilities Administration**

15 **SEC. 2821. AUTHORITY TO LEASE NON-EXCESS PROPERTY**  
 16 **OF DEPARTMENT OF DEFENSE FIELD ACTIVI-**  
 17 **TIES.**

18 Section 2667a of title 10, United States Code, is  
 19 amended—

20 (1) by amending the heading to read as follows:

1 **“§ 2667a. Leases: non-excess property of Defense**  
 2 **Agencies and Department of Defense**  
 3 **Field Activities”;**

4 (2) in subsection (a)(1), by striking “Defense  
 5 agency” and inserting “Defense Agency or Depart-  
 6 ment of Defense Field Activity”; and

7 (3) in subsection (d)—

8 (A) by striking “Defense agency” and in-  
 9 serting “Defense Agency or Department of De-  
 10 fense Field Activity”; and

11 (B) by striking “a Defense agency’s special  
 12 account” and inserting “the special account of  
 13 a Defense Agency or Department of Defense  
 14 Field Activity”.

15 **SEC. 2822. MODIFIED CRITERIA FOR AGREEMENTS TO**  
 16 **LIMIT ENCROACHMENTS AND OTHER CON-**  
 17 **STRAINTS ON MILITARY TRAINING, TESTING,**  
 18 **AND OPERATIONS.**

19 (a) MODIFIED CRITERIA.—Section 2684a of title 10,  
 20 United States Code, is amended—

21 (1) in subsection (a)—

22 (A) by inserting “or entities” after “enti-  
 23 ty”; and

24 (B) by striking “in the vicinity of a mili-  
 25 tary installation” and inserting “in the vicinity

1 of, or ecologically related to, a military installa-  
2 tion or the airspace of such installation”;

3 (2) in subsection (d)—

4 (A) in paragraph (1)—

5 (i) by striking “An agreement with an  
6 eligible entity under this section may pro-  
7 vide for” and inserting “An agreement  
8 with an eligible entity or entities under this  
9 section shall provide for”;

10 (ii) in subparagraph (A), by inserting  
11 “or entities” after “entity”; and

12 (iii) by amending subparagraph (B) to  
13 read as follows:

14 “(B) the equal sharing by the Department of  
15 Defense and the entity or entities of the acquisition  
16 costs, whether by contribution of funding or like-  
17 kind exchange of property or lesser property inter-  
18 est.”;

19 (B) by redesignating paragraphs (2), (3),  
20 (4), and (5) as paragraphs (4), (5), (6), and  
21 (7), respectively;

22 (C) by inserting after paragraph (1) the  
23 following new paragraphs:

1       “(2) The Secretary concerned may waive the require-  
2   ment in paragraph (1)(B) to equally share acquisition  
3   costs if—

4               “(A) the Secretary determines that the agree-  
5   ment is essential to accomplish the mission of the in-  
6   stallation;

7               “(B) the Secretary notifies the congressional  
8   defense committees in writing of the determination  
9   and the reasons for the determination; and

10              “(C) a period of 21 days has elapsed after the  
11   date on which such notification is received by the  
12   committees.

13       “(3) The acquisition cost of any lesser interest in the  
14   property may not exceed 70 percent of the appraised value  
15   of the property.”; and

16              (D) in paragraph (5), as redesignated by  
17   subparagraph (B), by inserting “or entities”  
18   after “entity”;

19       (3) by redesignating subsection (h) as sub-  
20   section (i); and

21       (4) by inserting after subsection (g) the fol-  
22   lowing new subsection:

23       “(h) ANNUAL REPORTS.—(1) Not later than March  
24   15, 2006, and annually thereafter, the Secretary of De-  
25   fense shall, in coordination with the Secretaries of the

1 military departments and the Director of the Department  
2 of Defense Test Management Resource Center, submit to  
3 the congressional defense committees a report on the im-  
4 plementation of projects undertaken pursuant to this sec-  
5 tion.

6 “(2) The reports submitted under paragraph (1) shall  
7 include—

8 (A) a description of the status of such projects;

9 (B) an assessment of the effectiveness of such  
10 projects and other actions undertaken pursuant to  
11 this section as part of a long-range strategy to en-  
12 sure the sustainability of military test and training  
13 ranges, military installations, and associated air-  
14 space;

15 (C) an evaluation of the methodology and cri-  
16 teria used to select and prioritize projects under-  
17 taken pursuant to this section;

18 (D) a description of the shared costs by the De-  
19 partment of Defense and the eligible entity or enti-  
20 ties under each agreement undertaken or proposed;  
21 and

22 (E) recommendations for any legislation or  
23 changes in regulations to increase the efficiency and  
24 effectiveness of actions taken under this section.”.



(b) APPLICABILITY OF MODIFIED CRITERIA.—The requirement under subsection (d)(1)(B) of such section (as amended by subsection (a)(2)(A)(iii)) that an agreement under such section shall provide for the equal sharing of acquisition costs by the Department of Defense and an eligible entity or entities shall not apply to an agreement initiated before the date of the enactment of this Act.

## **Subtitle C—Land Conveyances**

### **PART I—ARMY CONVEYANCES**

#### **SEC. 2841. LAND CONVEYANCE, HELENA, MONTANA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey by quitclaim deed to the Helena Indian Alliance, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 3.0 acres located at Sheridan Hall United States Army Reserve Center, 501 Euclid Avenue, Helena, Montana, including improvements thereon, for the purposes of supporting Native American health care, mental health counseling, and the operation of an education training center.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such sub-

1 section, all right, title, and interest in and to the property  
2 shall revert, at the option of the Secretary, to the United  
3 States, and the United States shall have the right of im-  
4 mediate entry onto the property. Any determination of the  
5 Secretary under this subsection shall be made on the  
6 record after an opportunity for a hearing.

7 (c) PAYMENT OF COSTS OF CONVEYANCE.—

8 (1) IN GENERAL.—The Secretary shall require  
9 the Helena Indian Alliance to cover costs to be in-  
10 curred by the Secretary, or to reimburse the Sec-  
11 retary for costs incurred by the Secretary, to carry  
12 out the conveyance under subsection (a), including  
13 survey costs, costs related to environmental docu-  
14 mentation, and other administrative costs related to  
15 the conveyance. If amounts are collected from the  
16 Helena Indian Alliance in advance of the Secretary  
17 incurring the actual costs, and the amount collected  
18 exceeds the costs actually incurred by the Secretary  
19 to carry out the conveyance, the Secretary shall re-  
20 fund the excess amount to the Alliance.

21 (2) REIMBURSEMENT.—Amounts received as  
22 reimbursement under paragraph (1) shall be cred-  
23 ited to the fund or account that was used to cover  
24 the costs incurred by the Secretary in carrying out  
25 the conveyance. Amounts so credited shall be merged

1 with amounts in such fund or account and shall be  
2 available for the same purposes, and subject to the  
3 same conditions and limitations, as amounts in such  
4 fund or account.

5 (d) DESCRIPTION OF REAL PROPERTY.—The exact  
6 acreage and legal description of the real property to be  
7 conveyed under subsection (a) shall be determined by a  
8 survey satisfactory to the Secretary.

9 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
10 Secretary may require such additional terms and condi-  
11 tions in connection with the conveyance under subsection  
12 (a) as the Secretary considers appropriate to protect the  
13 interests of the United State

14 **SEC. 2842. LAND CONVEYANCE, ARMY RESERVE CENTER,**  
15 **BOTHELL, WASHINGTON.**

16 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
17 the Army may convey, without consideration, to the Sno-  
18 homish County Fire Protection District #10 (in this sec-  
19 tion referred to as the “Fire District”) all right, title, and  
20 interest of the United States in and to a parcel of real  
21 property, including any improvements thereon, consisting  
22 of approximately 1.0 acres located at the Army Reserve  
23 Center, Bothell, Washington, for the purpose of permit-  
24 ting the Fire District to operate a fire station on the prop-  
25 erty.

1       (b) REVERSIONARY INTEREST.—If the Secretary de-  
2 termines at any time that the real property conveyed  
3 under subsection (a) is not being used in accordance with  
4 the purpose of the conveyance specified in such subsection,  
5 all right, title, and interest in and to the property shall  
6 revert, at the option of the Secretary, to the United States,  
7 and the United States shall have the right of immediate  
8 entry onto the property. Any determination of the Sec-  
9 retary under this subsection shall be made on the record  
10 after an opportunity for a hearing.

11       (c) PAYMENT OF COSTS OF CONVEYANCE.—

12           (1) IN GENERAL.—The Secretary may require  
13 the Fire District to cover costs to be incurred by the  
14 Secretary, or to reimburse the Secretary for costs in-  
15 curred by the Secretary, to carry out the conveyance  
16 under subsection (a), including survey costs, costs  
17 related to environmental documentation, and other  
18 administrative costs related to the conveyance. If  
19 amounts are collected from the Fire District in ad-  
20 vance of the Secretary incurring the actual costs,  
21 and the amount collected exceeds the costs actually  
22 incurred by the Secretary to carry out the convey-  
23 ance, the Secretary shall refund the excess amount  
24 to Fire District.

1           (2) REIMBURSEMENT.—Amounts received as  
 2 reimbursement under paragraph (1) shall be cred-  
 3 ited to the fund or account that was used to cover  
 4 the costs incurred by the Secretary in carrying out  
 5 the conveyance. Amounts so credited shall be merged  
 6 with amounts in such fund or account, and shall be  
 7 available for the same purposes, and subject to the  
 8 same conditions and limitations, as amounts in such  
 9 fund or account.

10       (d) DESCRIPTION OF PROPERTY.—The exact acreage  
 11 and legal description of the real property to be conveyed  
 12 under subsection (a) shall be determined by surveys satis-  
 13 factory to the Secretary. The cost of each survey shall be  
 14 borne by the Fire District.

15       (e) ADDITIONAL TERMS AND CONDITIONS.—The  
 16 Secretary may require such additional terms and condi-  
 17 tions in connection with the conveyance under subsection  
 18 (a) as the Secretary considers appropriate to protect the  
 19 interests of the United States.

## 20           **PART II—AIR FORCE CONVEYANCES**

### 21       **SEC. 2861. ACQUISITION OF BUILD-TO-LEASE FAMILY HOUS-** 22           **ING AT EIELSON AIR FORCE BASE, ALASKA.**

23       (a) ACQUISITION AUTHORIZED.—

24           (1) IN GENERAL.—The Secretary of the Air  
 25 Force may purchase the entire interest of the devel-

1       oper in the military family housing project at  
2       Eielson Air Force Base, Alaska, described in para-  
3       graph (2) if the Secretary determines that the pur-  
4       chase is in the best economic interests of the Air  
5       Force.

6               (2) DESCRIPTION OF PROJECT.—The military  
7       family housing project referred to in this section is  
8       the 300-unit military family housing project at  
9       Eielson Air Force Base that was constructed by the  
10      developer and is leased by the Secretary under sec-  
11      tion 2835 of title 10, United States Code (in this  
12      section referred to as the “Eielson housing  
13      project”).

14           (b) CONSIDERATION.—The consideration paid by the  
15      Secretary under this section for the interest of the devel-  
16      oper in the Eielson housing project may not exceed an  
17      amount equal to the fair market value of such interest,  
18      as determined by the Secretary.

19           (c) TIME FOR PURCHASE.—

20               (1) IN GENERAL.—Subject to paragraph (2),  
21       the Secretary may make the purchase authorized by  
22       subsection (a) at any time after the end of the term  
23       of the lease for the Eielson housing project.

24               (2) NOTICE AND WAIT REQUIREMENT.—The  
25       Secretary may not make the purchase authorized by

subsection (a) until 30 days after notifying the congressional defense committees of the Secretary's election to make such purchase.

## Subtitle D—Other Matters

### SEC. 2881. REORGANIZATION AND TECHNICAL IMPROVEMENT OF CODIFIED LAWS APPLICABLE TO REAL PROPERTY OF THE DEPARTMENT OF DEFENSE.

(a) CONSOLIDATION OF ACQUISITION AUTHORITY.—

Section 2663 of title 10, United States Code, is amended—

(1) in the heading, by inserting “**authority**” after “**Acquisition**”;

(2) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by striking “(a) The Secretary” and inserting the following:

“(a) IN GENERAL.—(1) The Secretary”; and

(C) in paragraph (1)(C), as redesignated by this paragraph, by striking “clause (2)” and inserting “subparagraph (B)”;

(3) by redesignating subsections (b), (c), and (d), as paragraphs (2), (3), and (4), respectively;

1           (4) by striking “subsection (a)” each place it  
2           appears and inserting “paragraph (1)”; and

3           (5) by adding at the end the following new sub-  
4           sections:

5           “(b) LOW-COST INTERESTS IN LAND.—(1) The Sec-  
6           retary of a military department may acquire any interest  
7           in land that—

8                   “(A) the Secretary determines—

9                           “(i) is needed in the interest of na-  
10                          tional defense; and

11                           “(ii) does not cost more than  
12                          \$750,000, exclusive of administrative costs  
13                          and the amounts of any deficiency judg-  
14                          ments; or

15                   “(B) the Secretary determines—

16                           “(i) is needed solely to correct a defi-  
17                          ciency that is life-threatening, health-  
18                          threatening, or safety-threatening; and

19                           “(ii) does not cost more than  
20                          \$1,500,000, exclusive of administrative  
21                          costs and the amounts of any deficiency  
22                          judgments.

23           “(2) This subsection does not apply to the acquisi-  
24           tion, as part of the same project, of more than one parcel  
25           of land unless—



1 “(A) the parcels are noncontiguous; or

2 “(B) if the parcels are contiguous—

3 “(i) the total cost of such parcels is not  
4 more than \$750,000 in the case of an acqui-  
5 sition under paragraph (1)(A); or

6 “(ii) the total cost of such parcels is not  
7 more than \$1,500,000 in the case of an acqui-  
8 sition under paragraph (1)(B).

9 “(3) Appropriations available to the Department of  
10 Defense for operation and maintenance or for military  
11 construction may be used for the acquisition of land or  
12 interests in land under paragraph (1).

13 “(c) INTERESTS IN LAND WHEN NEED IS UR-  
14 GENT.—(1) The Secretary of a military department may  
15 acquire any interest in land in any case in which the Sec-  
16 retary determines that—

17 “(A) the acquisition is needed in the inter-  
18 est of national defense;

19 “(B) the acquisition is required to main-  
20 tain the operational integrity of a military in-  
21 stallation; and

22 “(C) considerations of urgency do not per-  
23 mit the delay necessary to include the acqui-  
24 sition in an annual Military Construction Author-  
25 ization Act.

1       “(2) Not later than 10 days after the date on which  
 2 the Secretary of a military department determines to ac-  
 3 quire an interest in land under the authority of this sub-  
 4 section, the Secretary shall submit to the Committee on  
 5 Armed Services of the Senate and the Committee on  
 6 Armed Services of the House of Representatives written  
 7 notice containing a description of the property and interest  
 8 to be acquired and the reasons for the acquisition.

9       “(3) Appropriations available for military construc-  
 10 tion may be used for the acquisition of land under this  
 11 subsection.

12       “(d) SCOPE OF AUTHORITY.—The authority to ac-  
 13 quire interests in real property (including a temporary in-  
 14 terest) under this section includes authority to—

15               “(1) make surveys; and

16               “(2) acquire interests in real property by gift,  
 17 purchase, exchange of real property owned by the  
 18 United States, or otherwise.”.

19       (b) ACQUISITION LIMITATIONS.—

20               (1) TRANSFER OF LIMITATIONS.—Section 2676  
 21 of such title is—

22                       (A) transferred to appear after section  
 23 2663 of such title; and

24                       (B) redesignated as section 2664 of such  
 25 title.

1 (2) STYLISTIC AND CLERICAL AMENDMENTS.—

2 Section 2664 of such title, as redesignated by para-  
3 graph (1), is amended—

4 (A) by striking subsection (b);

5 (B) by redesignating subsections (c), (d),  
6 and (e) as subsections (b), (c), and (d), respec-  
7 tively;

8 (C) in subsection (b), as redesignated by  
9 subparagraph (B)—

10 (i) by striking “determines (A) that  
11 such” and inserting the following: “deter-  
12 mines that—

13 “(A) such”;

14 (ii) by striking “cost, and (B) that  
15 such” and inserting the following: “cost;  
16 and

17 “(B) that such”; and

18 (iii) by striking “subsection (d)” and  
19 inserting “subsection (c)”;

20 (D) in subsection (c), as so redesignated,  
21 by striking “subsection (c)” and inserting “sub-  
22 section (b)”;

23 (E) in subsection (d), as so redesignated,  
24 by striking “subsections (c) and (d)” and in-  
25 serting “subsections (b) and (c)”.

1 (c) REPEAL OF CONSOLIDATED SECTIONS.—The fol-  
 2 lowing sections of chapter 159 of such title are repealed:

3 (1) Section 2672.

4 (2) Section 2672a.

5 (d) CLERICAL AMENDMENTS.—The table of sections  
 6 at the beginning of such chapter is amended—

7 (1) by amending the item relating to section  
 8 2663 to read as follows:

“2663. Acquisition authority.”;

9 (2) by inserting after the item relating to sec-  
 10 tion 2663 the following new item:

“2664. Acquisition: limitations.”; and

11 (3) by striking the items relating to sections  
 12 2672, 2672a, and 2676.

13 (e) REPEAL OF OBSOLETE AUTHORITY.—Section  
 14 2665 of such title is amended—

15 (1) by striking subsection (a);

16 (2) by redesignating subsections (b), (c), (d),  
 17 (e), and (f) as subsections (a), (b), (c), (d), and (e),  
 18 respectively;

19 (3) in subsection (b), as redesignated by para-  
 20 graph (2), by striking “subsection (a) or (b)” and  
 21 inserting “subsection (a)”; and

22 (4) in paragraph (2) of subsection (e), as so re-  
 23 designated—

1 (A) by striking “subsections (a) and (b)”  
 2 and inserting “subsection (a)”;

3 (B) by striking “subsection (d)” and in-  
 4 serting “subsection (e)”;

5 (C) by striking “subsection (e)” and in-  
 6 serting “subsection (d)”.

7 (f) TRANSFER OF FORD ISLAND PROVISION.—

8 (1) TRANSFER AND REDESIGNATION.—Section  
 9 2814 of such title is—

10 (A) transferred to appear after section  
 11 7524 of such title; and

12 (B) redesignated as section 7525 of such  
 13 title.

14 (2) TECHNICAL AND CONFORMING AMEND-  
 15 MENTS.—Subsection (i) of section 7525 of such title,  
 16 as transferred and redesignated by paragraph (1), is  
 17 amended—

18 (A) in paragraph (2)—

19 (i) by striking “To extent” and insert-  
 20 ing “To the extent; and

21 (ii) by striking “this chapter” and in-  
 22 serting “chapter 169 of this title”; and

23 (B) in paragraph (3)(B), by striking “this  
 24 chapter” and inserting “chapter 169 of this  
 25 title”.

“7525. Special authority for development of Ford Island, Hawaii.”.

“(d) In this chapter, the terms ‘Secretary concerned’ and ‘Secretary of a military department’ include the Secretary of Defense with respect to the Pentagon Reservation.”.

(a) REPORT REQUIRED.—Not later than May 1, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the application of Department of Defense Anti-Terrorism/Force Protection standards to all facilities leased by the Department of Defense or leased by the General Services Administra-

1 tion as an agent for the Department of Defense as of Sep-  
2 tember 30, 2005.

3 (b) INFORMATION ON LEASED FACILITIES.—For  
4 each facility identified in the report submitted under sub-  
5 section (a), the Secretary shall include the following:

6 (1) A description of the function of the leased  
7 facility, including the location, size, terms of lease,  
8 and the number of personnel housed within the facil-  
9 ity.

10 (2) A description of the threat assessment and  
11 the joint security integrated vulnerability assessment  
12 for each leased facility.

13 (3) A description and cost estimate of any ac-  
14 tions necessary to mitigate risk to an acceptable  
15 level in each leased facility.

16 (4) A description and cost estimate of the ac-  
17 tions to be taken by the Secretary of Defense for  
18 each leased facility to ensure compliance with De-  
19 partment of Defense Anti-Terrorism/Force Protec-  
20 tion standards.

21 (5) The total estimated cost of, and a proposed  
22 funding plan for, implementation of the force protec-  
23 tion and anti-terrorism measures required to ensure  
24 the compliance of all leased facilities with Defense  
25 Anti-Terrorism/Force Protection standards.

1 (c) INFORMATION ON SUPPORT PRIORITIES.—The  
 2 report submitted under subsection (a) shall also include  
 3 a separate description of the procedures used by the Sec-  
 4 retary of Defense to prioritize funding for the application  
 5 of force protection and antiterrorism standards to leased  
 6 facilities, including a description of any such procedures  
 7 applicable to the entire Department of Defense.

8 (d) APPLICABILITY.—The reporting requirements  
 9 under this section apply to any space or facility that  
 10 houses 11 or more personnel in service to, or employed  
 11 by, the Department of Defense.

12 **SEC. 2883. CONSTRUCTION AT FORT BUCHANAN, PUERTO**  
 13 **RICO, FOR RESERVE COMPONENTS.**

14 Section 1507(b)(2) of the Floyd D. Spence National  
 15 Defense Authorization Act for Fiscal Year 2001 (Public  
 16 Law 106–398, 114 Stat. 1654A–355) is amended to read  
 17 as follows:

18 “(2) The construction, conversion, rehabilita-  
 19 tion, extension, and improvement of reserve compo-  
 20 nent and nonappropriated fund facilities.”.

21 **SEC. 2884. AUTHORITY TO USE PAPAGO PARK MILITARY**  
 22 **RESERVATION, ARIZONA, FOR GENERAL MILI-**  
 23 **TARY PURPOSES.**

24 Section 1 of the Act of April 7, 1930 (46 Stat. 142,  
 25 chapter 107), is amended by striking “reserved for mili-



1 tary purposes for use of the National Guard of Arizona  
 2 as a rifle range” and inserting “reserved for military pur-  
 3 poses for use by the State of Arizona as a military installa-  
 4 tion known as Papago Park Military Reservation”.

5 **SEC. 2885. ONE-YEAR EXTENSION OF DEPARTMENT OF DE-**  
 6 **FENSE LABORATORY REVITALIZATION PRO-**  
 7 **GRAM.**

8 Section 2892(g) of the National Defense Authoriza-  
 9 tion Act for Fiscal Year 1996 (Public Law 104–106; 10  
 10 U.S.C. 2805 note), as amended by section 2891 of the  
 11 Ronald W. Reagan National Defense Authorization Act  
 12 for Fiscal Year 2005 (Public Law 108–375; 118 Stat.  
 13 2154), is further amended by striking “September 30,  
 14 2005” and inserting “September 30, 2006”.

15 **SEC. 2886. SENSE OF CONGRESS ON ESTABLISHMENT OF**  
 16 **BAKERS CREEK MEMORIAL.**

17 (a) FINDINGS.—Congress makes the following find-  
 18 ings:

19 (1) In 1943 and 1944, the United States  
 20 Armed Forces operated a rest and relaxation facility  
 21 in Mackay, Queensland, Australia, for troops serving  
 22 in the Pacific Theater during World War II.

23 (2) On June 14, 1943, a Boeing B–17C was  
 24 transporting 6 crew members and 35 servicemen  
 25 from Mackay to Port Moresby, New Guinea, to re-

1       turn the servicemen to duty after 10 days of rest  
2       and relaxation leave at an Army/Red Cross facility.

3           (3) The aircraft crashed shortly after take-off  
4       at Bakers Creek, Australia, killing all 6 crew mem-  
5       bers and 34 of the 35 servicemen being transported  
6       in what was at that point the worst crash in Amer-  
7       ican air transport history, and what remains the  
8       worst air disaster in Australian history.

9           (4) Due to wartime censorship rules related to  
10      the movement of troops, the tragic crash and loss of  
11      life were not reported to the Australian or United  
12      States public.

13          (5) Many family members of those killed did  
14      not learn the circumstances of the troops deaths  
15      until they were contacted by the Bakers Creek Me-  
16      morial Foundation beginning in 1992.

17          (6) As of May 2005, the Bakers Creek Memo-  
18      rial Foundation had contacted 36 of the 40 families  
19      that lost loved ones in the tragic crash, and was con-  
20      tinuing efforts to locate the remaining four families  
21      to inform them of the true events of the crash at  
22      Bakers Creek.

23          (7) The Australian people marked the tragic  
24      crash at Bakers Creek with a memorial established

1 in 1992, but no similar memorial has been estab-  
 2 lished in the United States.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-  
 4 gress that the Secretary of the Army may establish an  
 5 appropriate marker, at a site to be chosen at the discretion  
 6 of the Secretary, to commemorate the 40 members of the  
 7 United States Armed Forces who lost their lives in the  
 8 air crash at Bakers Creek, Australia, on June 14, 1943.

9 **DIVISION C—DEPARTMENT OF**  
 10 **ENERGY NATIONAL SECURITY**  
 11 **AUTHORIZATIONS AND**  
 12 **OTHER AUTHORIZATIONS**

13 **TITLE XXXI—DEPARTMENT OF**  
 14 **ENERGY NATIONAL SECURITY**  
 15 **PROGRAMS**

16 **Subtitle A—National Security**  
 17 **Programs Authorizations**

18 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
 19 **TION.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 21 are hereby authorized to be appropriated to the Depart-  
 22 ment of Energy for fiscal year 2006 for the activities of  
 23 the National Nuclear Security Administration in carrying  
 24 out programs necessary for national security in the  
 25 amount of \$9,357,427,000, to be allocated as follows:

1 (1) For weapons activities, \$6,590,319,000.

2 (2) For defense nuclear nonproliferation activi-  
3 ties, \$1,637,239,000.

4 (3) For naval reactors, \$786,000,000.

5 (4) For the Office of the Administrator for Nu-  
6 clear Security, \$343,869,000.

7 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—  
8 From funds referred to in subsection (a) that are available  
9 for carrying out plant projects, the Secretary of Energy  
10 may carry out new plant projects for weapons activities  
11 as follows:

12 (1) For readiness in technical base and facili-  
13 ties, the following new plant projects:

14 Project 06–D–140, Readiness in Technical  
15 Base and Facilities Program (RTBF), project  
16 engineering and design, various locations,  
17 \$19,113,000.

18 Project 06–D–402, replacement of Fire  
19 Stations Number 1 and Number 2, Nevada  
20 Test Site, Nevada, \$8,284,000.

21 Project 06–D–403, tritium facility mod-  
22 ernization, Lawrence Livermore National Lab-  
23 oratory, Livermore, California, \$2,600,000.

1           Project 06–D–404, remediation, restora-  
2           tion, and upgrade of Building B–3, Nevada  
3           Test Site, Nevada, \$16,000,000.

4           (2) For facilities and infrastructure recapital-  
5           ization, the following new plant projects:

6           Project 06–D–160, Facilities and Infra-  
7           structure Recapitalization Program (FIRP),  
8           project engineering and design, various loca-  
9           tions, \$5,811,000.

10          Project 06–D–601, electrical distribution  
11          system upgrade, Pantex Plant, Amarillo, Texas,  
12          \$4,000,000.

13          Project 06–D–602, gas main and distribu-  
14          tion system upgrade, Pantex Plant, Amarillo,  
15          Texas, \$3,700,000.

16          Project 06–D–603, Steam Plant Life Ex-  
17          tension Project (SLEP), Y–12 National Secu-  
18          rity Complex, Oak Ridge, Tennessee, \$729,000.

19          (3) For naval reactors, the following new plant  
20          project:

21          Project 06–N–901, Central Office Building  
22          2, Bettis Atomic Power Laboratory, West Miff-  
23          lin, Pennsylvania, \$7,000,000.

1 **SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
3 are hereby authorized to be appropriated to the Depart-  
4 ment of Energy for fiscal year 2006 for environmental  
5 management activities in carrying out programs necessary  
6 for national security in the amount of \$6,189,433,000, to  
7 be allocated as follows:

8 (1) For defense site acceleration completion,  
9 \$5,335,849,000.

10 (2) For defense environmental services,  
11 \$853,584,000.

12 (b) AUTHORIZATION OF NEW PLANT PROJECT.—  
13 From funds referred to in subsection (a)(1) that are avail-  
14 able for carrying out plant projects, the Secretary of En-  
15 ergy may carry out, for environmental management activi-  
16 ties, the following new plant project:

17 Project 06–D–401, sodium bearing waste treat-  
18 ment project, Idaho National Laboratory, Idaho  
19 Falls, Idaho, \$15,000,000.

20 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

21 Funds are hereby authorized to be appropriated to  
22 the Department of Energy for fiscal year 2006 for other  
23 defense activities in carrying out programs necessary for  
24 national security in the amount of \$563,423,000.

1 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

2 Funds are hereby authorized to be appropriated to  
3 the Department of Energy for fiscal year 2006 for defense  
4 nuclear waste disposal for payment to the Nuclear Waste  
5 Fund established in section 302(c) of the Nuclear Waste  
6 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount  
7 of \$301,447,000.

8 **Subtitle B—Other Matters**

9 **SEC. 3111. REPORT ON COMPLIANCE WITH DESIGN BASIS**  
10 **THREAT.**

11 (a) REPORT REQUIRED.—Not later than 180 days  
12 after the date of the enactment of this Act, the Secretary  
13 of Energy shall submit to the congressional defense com-  
14 mittees a report detailing plans for achieving compliance  
15 under the Design Basis Threat issued by the Department  
16 of Energy in 2004.

17 (b) CONTENT.—The report required under subsection  
18 (a) shall include—

19 (1) an implementation plan with associated  
20 funding requirements to achieve by September 30,  
21 2007, compliance under the Design Basis Threat of  
22 all Department of Energy and National Nuclear Se-  
23 curity Administration sites that contain nuclear  
24 weapons or special nuclear material; and

25 (2) an evaluation of options for applying secu-  
26 rity technologies and innovative protective force de-

1       ployment to increase the efficiency and effectiveness  
2       of efforts to protect against the threats postulated in  
3       the Design Basis Threat.

4       (c) FORM.—The report required under subsection (a)  
5       shall be submitted in classified form with an unclassified  
6       summary.

7       **SEC. 3112. COST ESTIMATE FOR WASTE TREATMENT AND**  
8                   **IMMOBILIZATION PLANT PROJECT, HANFORD**  
9                   **SITE, RICHLAND, WASHINGTON.**

10       (a) REPORT REQUIRED.—Not later than 180 days  
11       after the date of the enactment of this Act, the Secretary  
12       of Energy shall submit to the congressional defense com-  
13       mittees an independent cost estimate prepared by the  
14       Army Corps of Engineers for the Waste Treatment and  
15       Immobilization Plant project at the Hanford Site, Rich-  
16       land, Washington (in this section referred to as the  
17       “project”).

18       (b) CONTENT.—The cost estimate required under  
19       subsection (a) shall include estimates of the total cost and  
20       annual funding requirements, listed by year, to complete  
21       the project, assuming a completion date in each of 2011,  
22       2012, 2013, 2014, and 2015.



1 **SEC. 3113. REPORT ON INTERNATIONAL BORDER SECURITY**  
2 **PROGRAMS.**

3 (a) REPORT REQUIRED.—Not later than 120 days  
4 after the date of the enactment of this Act, the Secretary  
5 of Energy shall, in consultation with the Secretary of De-  
6 fense, the Secretary of State, and, as appropriate, the Sec-  
7 retary of Homeland Security, submit to the Committees  
8 on Armed Services of the Senate and the House of Rep-  
9 resentatives a report on the management by such Secre-  
10 taries of border security programs in the countries of the  
11 former Soviet Union and other countries.

12 (b) CONTENT.—The report required under subsection  
13 (a) shall include—

14 (1) a description of the roles and responsibil-  
15 ities of each department and agency of the United  
16 States Government in international border security  
17 programs;

18 (2) a description of the interactions and coordi-  
19 nation among departments and agencies of the  
20 United States Government that are conducting  
21 international border security programs;

22 (3) a description of the mechanisms that exist  
23 to ensure coordination, avoid duplication, and pro-  
24 vide a means to resolve conflicts or problems that  
25 might arise in the implementation of international  
26 border security programs;

1           (4) a discussion of whether there is existing  
 2           interagency guidance that addresses the roles, inter-  
 3           actions, and dispute resolution mechanisms for de-  
 4           partments and agencies of the United States Gov-  
 5           ernment that are conducting international border se-  
 6           curity programs, and the adequacy of such guidance  
 7           if it exists; and

8           (5) recommendations to improve the coordina-  
 9           tion and effectiveness of international border secu-  
 10          rity programs.

11 **TITLE      XXXII—DEFENSE      NU-**  
 12 **CLEAR   FACILITIES   SAFETY**  
 13 **BOARD**

14 **SEC. 3201. AUTHORIZATION.**

15       There are authorized to be appropriated for fiscal  
 16       year 2006, \$22,032,000 for the operation of the Defense  
 17       Nuclear Facilities Safety Board under chapter 21 of the  
 18       Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

19 **TITLE XXXIII—NATIONAL**  
 20 **DEFENSE STOCKPILE**

21 **SEC. 3301. REVISIONS TO REQUIRED RECEIPT OBJECTIVES**  
 22 **FOR PREVIOUSLY AUTHORIZED DISPOSALS**  
 23 **FROM NATIONAL DEFENSE STOCKPILE.**

24       (a) DISPOSAL AUTHORITY .—Section 3303(a)(5) of  
 25       the Strom Thurmond National Defense Authorization Act

1 for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C.  
2 98d note), as amended by section 3302 of the Ronald W.  
3 Reagan National Defense Authorization Act for Year  
4 2005 (Public Law 108–375; 50 U.S.C. 98d note), is  
5 amended by striking paragraph (5) and inserting the fol-  
6 lowing new paragraphs:

7           “(5) \$900,000,000 by the end of fiscal year  
8           2010.

9           “(6) \$1,000,000,000 by the end of fiscal year  
10          2013.”.

11       (b) ADDITIONAL DISPOSAL AUTHORITY.—Section  
12 3402(b) of the National Defense Authorization Act for  
13 Fiscal Year 2000 (Public Law 106–65; 113 Stat. 972; 50  
14 U.S.C. 98d note), as amended by section 3302 of the Na-  
15 tional Defense Authorization Act for Fiscal Year 2004  
16 (Public Law 108–136; 50 U.S.C. 98d note), is amended  
17 by striking paragraph (4) and inserting the following new  
18 paragraphs:

19           “(4) \$500,000,000 before the end of fiscal year  
20           2010.

21           “(5) \$600,000,000 before the end of fiscal year  
22           2013.”.

**Calendar No. 102**

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1042**

[Report No. 109-69]

**A BILL**

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

MAY 17, 2005

Read twice and placed on the calendar